

HUMAN RESOURCE POLICY MANUAL



The City of Salisbury

Purpose	The purpose of the Personnel Policy Manual is to assure uniform and equitable policies and practices affecting the employees of the City and to ensure compliance with laws, regulations and the intent of the City Council. It is a primary guide for managers, supervisors and others who lead or serve employees.
Application	The specifications of this Manual must be followed as written except for deviations that may be explicitly authorized by the established lines of management. The City Manager is the final authority for all exceptions and interpretations of policy.
Overriding Documents	Policies regarding certain benefits are only briefly described herein. Summary Plan Descriptions (available from the Human Resources Department) provide the complete and final specification of various Benefit Plans. Departmental Policy Manuals approved by The City Manager may override but not be inconsistent with the purpose of this Manual.
Not A Contract	Nothing in this Manual is intended to create or shall be construed as creating an expressed or implied contract of employment. Employees can terminate their employment whenever they wish and for whatever reason they may have, just as the City may terminate an employee at any time for any reason. Except with specific City Council authority, neither the City Manager nor any other official or employee of the City has the authority to make or create a contract of employment, either actual or implied, on behalf of the City.

Maintenance

The City retains the right, at any time for any reason, to delete, add, alter, revoke or amend any and all of the provisions of this Manual. The City retains the right, at any time for any reason to delete, add, alter, revoke or amend the terms and conditions of employment, including any and all benefits, wage rates or other matters relating to employment. The Human Resources Department will issue revisions from time to time as directed by and approved by the City Manager. This Manual is the property of the City. Each holder of a Manual is expected to keep their copy current and to return it to the City upon separation from employment.

**Comments
Welcome**

All users of this Manual are invited to make known any questions or problems they may have in its application and any ideas or suggestions they may have for its improvement.

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Section 1 – Basic Policies

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General To serve the best interests of the City of Salisbury, its citizens and its workforce, and in compliance with and support of the law, we affirm our commitment to providing equal opportunity for all employees and job applicants.

EEO Policy Our policy is to:

- Prohibit unlawful discrimination or harassment because of race, color, religion, national origin, sex, age, physical or mental disability, because of one's status as a disabled veteran or veteran of The Vietnam Era, or any other reason prohibited by law.
- Prohibit discrimination based on any personal attribute or characteristic not related to job performance.
- Apply EEO prohibitions to all employment decisions and personnel policies and practices.
- Make reasonable accommodations for the physical and/or mental limitations of otherwise qualified employees or applicants with disabilities.

Sexual Harassment The City of Salisbury strives to provide an environment where all employees are free to perform their job duties with respect and dignity. Therefore, the City of Salisbury prohibits any form of sexual harassment in the workplace by any employee. Harassment is prohibited, whether exhibited to other employees and/or non-employees.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

**Sexual
Harassment
cont'd**

Any employee who believes he or she may have a complaint of sexual harassment may file the complaint directly with the Human Resources Director. The Human Resources Director will conduct an investigation into the allegation and advise the employee and appropriate management officials of the outcome of the investigation. The confidentiality and privacy of employees and those involved will be respected as much as possible during the investigation. An employee who does not agree with the outcome of the Human Resources Director's investigation may request a meeting with the City Manager. An employee found to be in violation of this policy will be subject to disciplinary action up to and including dismissal. (See Exhibit 6).

**Other
Harassment**

Employee conduct that disparages groups such as remarks or jokes that belittle, ridicule or insult a particular race, religion, gender or group are considered to be harassment and are strictly prohibited.

**Violence in
the Workplace**

The City prohibits acts of violence in the workplace. Workplace violence includes, but is not limited to, harassment, threat, physical attack or property damage.

Harassment is defined as behavior or communication designed or intended to intimidate, menace or frighten another person. Threat is an expression of an intent to cause physical or mental harm. Physical attack is defined as unwanted or hostile physical contact such as hitting, fighting, pushing or shoving. Property damage is defined as any intentional damage to property, which includes property owned, by the City, employees, visitors and vendors.

Employees are prohibited from the use or possession of a weapon of any kind on City property. Employees who are required to possess a weapon as a part of their job duties are exempt from this provision; however, they may not use their weapons in violation of this policy. All violators, employees and non-employees will be prosecuted to the fullest extent of the law.

Employees who engage in workplace violence will be subject to disciplinary action up to and including dismissal.

The City reserves the right to search City vehicles, City work spaces and other City property. Any illegal object found will be turned over to law enforcement authorities.

EQUAL EMPLOYMENT OPPORTUNITY (EEO)

Cont'd.

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Reasonable Accommodation

Reasonable accommodations to enable handicapped employees to perform their jobs include removal of architectural barriers, modification of equipment and modification of job tasks. Determining what is reasonable is based on consideration of cost, safety, productivity and efficiency of City operations.

EEO Complaints

Employees who have complaints of violations of the City's EEO policies or Sexual Harassment policy, or if they are dissatisfied with the behavior of any employee, **should report their complaints to their supervisor**. If there are unusual circumstances, they may report their complaint, instead, to higher level supervision in their organization, one level at a time, **or they may report their complaint to the Human Resources Director**. Complaints will be investigated and resolved promptly. Complaints will be handled confidentially with no intimidation or retaliation against employees for exercising their right to complain.

Disciplinary Action

Harassment or unlawful discrimination by any employee will not be tolerated. In fact, it will be dealt with firmly and:

- May result in disciplinary action up to and including dismissal.
- May lead to personal legal and financial liability.

Managers' And Supervisors' Responsibilities

Managers and Supervisors are responsible for affording equal opportunity to all individuals who report to them and for conducting themselves in accordance with the principles of equal opportunity. The effectiveness of supervisors in promoting equal opportunity is considered in performance evaluations. Supervisory staff who harass employees are considered to be acting of their own accord and not on behalf of the City.

EQUAL EMPLOYMENT OPPORTUNITY (EEO)

Cont'd.

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Affirmative Action Program

To assure the attainment of equal opportunity, and in compliance with various laws and regulations, the City has an Affirmative Action Program (AAP). The AAP analyzes the workforce and the local labor market, measures the representation of specific groups in each job and job level, assigns responsibilities, specifies goals and reports, and mandates specific programs and actions. All managers and supervisors are provided an AAP and are required to support and implement affirmative action.

Complaints from the Public

Any and all complaints made by a citizen regarding an employee's job performance will be promptly forwarded to the employee's Department Head. The Department Head will arrange an investigation of the facts. When and if an investigation reveals unsatisfactory job performance, the employee will be counseled and appropriate action taken - either affecting the employee's performance appraisal or taking disciplinary action. In all cases, the complainant should be informed that an investigation was made and that appropriate action was taken.

Grievance Procedure

Employees who are dissatisfied with any City policy or procedure, or have a problem with the interpretation or application of rules and regulations that cannot be worked out by talking to the supervisor, can use the City's Grievance Procedure outlined below:

- Step 1.
Within ten working days of becoming aware that there is a reason for a complaint, the employee must discuss the grievance with his/her supervisor. The supervisor must respond in writing signed by the Department Head within five working days.
- Step 2.
If the grievance is not resolved, the employee may appeal the decision by contacting the Human Resources Director within four working days of receipt of the decision. The Human Resources Director will review the grievance, gather additional relevant information and return the grievance in writing to the Department Head for further study. The Department Head will review the grievance and respond to the employee in writing within five working days with a copy to the Human Resources Director.
- Step 3.
If the grievance is not resolved, the employee may appeal the decision by contacting the Human Resources Director within four working days of receipt of the decision. The Human Resources Director will forward all documents and information to the City Manager. The City Manager will provide a written response within five working days. At the discretion of the City Manager, hearings and/or personal interviews may be arranged prior to rendering a final decision.

Governance The City of Salisbury is governed by a City Council. The City Manager serves as chief personnel officer and administers directly, or through delegation of authority to others, the personnel policies and procedures of the City, which are specified herein.

Departments The primary unit of the City's structure is the Department. Departments are:

- Administration
- Finance
- Fire
- Human Resources (Personnel)
- Land Management & Development
- Parks & Recreation
- Police
- Public Services
- Water & Sewer Utilities

Titles/Levels Of Management The titles and levels that make up the basic structure of City Management are:

- City Manager
- Assistant City Manager
- Department Head – Sometimes titled as Director or in the Police Department as Police Chief or in the Fire Department as Fire Chief
- Division Manager – Titled as Deputy Police Chief in the Police Department and as Assistant Fire Chief in the Fire Department
- Second Level Supervisor – Titled in the Police Department as Lieutenant or in the Fire Department as Battalion Chief
- Supervisor – Titled in the Police Department as Sergeant or in the Fire Department as Captain

Other Employment

All City employees are required to treat their work with the City as having precedence over all other employment. Employees involved in self-employment or any employment for salaries, wages, tips or commission must arrange their personal affairs and employment activity such that they are dependably available and able to satisfactorily perform their work with the City.

Members of Volunteer Emergency Agencies

Employees who are members of a volunteer emergency agency must inform their Department Head. They **may** be allowed to be occasionally absent from work, without pay, to respond to an emergency. This absence may be granted provided that the employee's essential job duties can be satisfactorily performed by another means as determined by the immediate supervisor.

Restricted Political Activities

Each employee has a civic responsibility to support good government in every appropriate manner. Each employee may join or affiliate with civic organizations of a partisan nature, may attend political meetings, may advocate and support the principles or policies of civic or political organizations in accordance with the Constitution and laws of the State of North Carolina and in accordance with the Constitution and laws of the United States of America. However, certain activities are restricted, and the violation of any of these restrictions may subject an employee to disciplinary action up to and including dismissal. Restricted activities are:

- Engaging in any political or partisan activity while on duty.
- Using official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office.
- Requiring, as a duty of employment or as a condition for employment, promotion or tenure of office, the contribution of funds or services for political or partisan purposes.
- Coercing or compelling contributions for political or partisan purposes from any other employee of the City.
- Using any supplies or equipment of the City for political or partisan purposes.

The Hatch Act

City employees in certain federally aided programs are subject to the federal Hatch Act. This Act may prohibit their candidacy for elective office in a partisan election. The Human Resources Director can advise employees who wish to know if this prohibition applies to them.

**Boards and
Commissions**

Persons appointed by the City Council to serve as volunteer members of City Boards and Commissions are not employees of the City. Although their service is valued and appreciated, they are not entitled to the benefits and privileges of City employees.

**Police
Reserve**

Members of the Police Reserve are not employees of the City and are not entitled to the benefits and privileges of City employment. However, they may be provided uniforms, training and equipment as directed by the Police Chief, and are subject to the same standards and liabilities as regular employees.

General

Involvement and Response Teams (IRT) are a component of the management system used by the City. IRT is a participative, problem-solving system where employee groups list work related problems, brainstorm possible solutions, identify drivers and restrainers for each solution and implement the most appropriate course of action. Details of the IRT System are specified in the IRT Leaders Guide.

SOLVE IT Groups

Individual work groups (e.g. shift, crew) are normally used in the SOLVE IT process. Interface groups are used for problem solving in situations involving multiple departments. Interface group members may represent more than one department, division or work unit.

Use of Vehicles

Vehicles owned by the City are to be used **only** for official City business. The vehicles are not to be used for personal purposes or for the transportation of non-authorized persons or material. Vehicles used for and equipped for emergency recall may be taken to the employee's home as specified in department manuals. All other vehicles must remain at the work location during off-duty hours.

Anti-idle Policy

The anti-idle policy seeks to reduce the effects of exhaust emissions and to save on fuel. The Anti-idle guidelines listed below:

- Motor vehicles or motorized equipment shall not be permitted to stand unattended without first stopping the engine, locking the ignition and removing the key.
- Start up or cool down periods of turbo charged diesel engines shall not exceed 3 minutes warm-up and 5 minutes cool down.
- Vehicles shall not be permitted to idle more than 5 minutes while attended.
- Vehicle idle time may exceed 10 minutes in any 60 minute time frame in weather conditions of less than 32 degrees or more than 90 degrees for the purpose of heating or cooling.
- Motorized vehicles or motorized equipment shall not be permitted to idle within 100 ft. of a buildings' fresh air intake.

Exemptions to the Anti-idle policy guidelines include:

- Emergency or Law Enforcement Operations
- Operations requiring Power Take Off or work functions involving Vehicle Powered Auxiliary Equipment
- Traffic conditions
- Mechanical difficulties
- Ensuring the safety or health of operators or passengers
- Service or Repair

Accidents

If a vehicle owned by the City is involved in an accident, the Police Department and the City's Risk Management Office must be notified immediately. (See Section 7.)

Section 2 – Staffing

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Application Of Guidelines

The guidelines contained in this Manual apply to the staffing of all jobs in the City operation except that:

- Staffing procedures for public safety occupations may vary from procedures described in this manual.
- Guidelines for staffing positions at the Department Head level may differ from this manual in accordance with procedures determined by the City Manager.
- Separate routines are followed for employees advancing in positions designated for Flexible Staffing.

Sequence Of Events

Staffing will usually be accomplished according to the following steps:

Position Authorization The workforce is authorized each year during the budgeting process. Exceptions to this are made only with the City Manager's recommendation and the City Council's approval.

Approval depends upon a physical examination to determine candidate's ability to meet the physical and mental demands of the job, and for new employees, a pre-employment drug test.

Job Opening Department Head requests staffing from the Human Resources Department based on a vacancy.

Qualifications Determined The Human Resources Director, and the Division Manager or Department Head, mutually establish the required candidate qualifications using the existing classification specification.

Scope of Search The Human Resources Director and the Division Manager or Department Head review the internal availability of apparently qualified candidates and decide whether to:

- Consider priority candidates
- Advertise the job opening internally
- Advertise/announce the job opening internally and externally

Candidate Screening Internal candidates and applicants are screened by the Human Resources Staff, and candidates who appear to meet minimum qualifications are identified. Screening includes some or all of the following: background investigation, driving record check, work history, criminal record check, license or certification check.

Selection The division manager and immediate supervisor consider all pre-screened candidates and recommend selection. Supervisor consideration may include interviews, assessment centers, etc. as approved by the Human Resources Director.

Approval Department Head approves the selection and coordinates the job offer.

Placement The Human Resources Department coordinates the timing and announcement of the placement.

**Qualifications
Required**

Required candidate qualifications are the skills, knowledge, experience, and ability to meet physical and mental demands that an employee would need in order to satisfactorily perform work duties and responsibilities. They do not include what an employee could acquire with a reasonable amount of orientation, job experience and training.

**Priority
Candidates**

Priority **consideration** may be given to qualified persons who are in one of the following categories:

- Temporary employees successfully performing a job who desire full time employment in their current position with the City
- Employees not in a regular job assignment because of inability to perform job duties due to physical or medical condition.
- Employees returning from a leave of absence.
- Employees being placed in lesser classifications.
- Employees pre-approved by the City Manager for priority consideration for lateral transfer for developmental or rehabilitative purposes or to improve interpersonal work relationships.
- Employees affected by a reduction in workforce or reorganization.

**Flexible
Staffing**

Certain job classifications designated as Flexible Staffing are performed by employees who may be at level I or level II depending upon the employee's ability to function independently. Typically, an employee would enter the occupation at level I and, after gaining experience and knowledge, would be advanced to level II based upon successfully meeting qualifications determined by the Department Head and approved by the Human Resources Director. The normal sequence of events outlined for placement does not apply to Flexible Staffing.

Promotion From Within	Vacancies will often be filled by the promotion of employees rather than by hiring new employees. The advancement of employees who possess the required qualifications will be considered prior to the consideration of non-employee applicants.
Restricted Advancement	For a period of six months following an employee's promotion or first entry into the City's workforce, advancement to a higher level will normally be restricted. Upon recommendation of the Department Head, the City Manager may authorize exceptions to this restriction in the interest of improving City operations.
Working With Relatives	Two members of an immediate family may not be employed in the same department or administrative unit at the same time. Immediate family is defined as spouse, mother, father, guardian, children, sister, brother, plus various combinations of half, step, in-law, and adopted relationships that can be derived from those named.
Assessing Applicants	The Human Resources Department will conduct examinations and investigations as deemed necessary to determine if applicants appear to be qualified for employment with the City and for the particular job opening(s) being considered. These assessments will cover aptitude, education, experience, knowledge, skills, and ability to meet physical and mental demands and other relevant subjects. Any exercise where a candidate must perform a task or record answers to be considered for hire or transfer must be approved in advance by the Human Resources Director. This policy is intended to assure full compliance with City policies and various laws and regulations.
Reorganizations	Occasionally, rearranging work responsibilities and employee groupings will require lateral transfers of employees that need not be accomplished according to the usual sequence of events for selection.

Relocation

On occasion, recruitment for an open position may require a search over a wide geographic area. In these circumstances the City Manager **may** authorize the payment of travel expenses for candidates and payments for part or all of moving expenses for relocating new employees.

Recruiting and Advertising

The Human Resources Director, in cooperation with Department Heads, is responsible for determining the nature and scope of advertising and recruitment activities. These efforts should yield the most qualified applicants for job opportunities open to new hires.

Job Applicants

All persons who visit the Human Resources Department and express an interest in employment will be given the opportunity to either:

- Complete an Application Form for positions where a job opening exists

OR

- Complete a Job Interest Card for a job not currently open. When the job becomes open, notifications are made to those with Job Interest Cards on file. Job Interest Cards are kept on file for six months.

**Orientation of
New Employees**

Orientation of new employees serves the City and the new employee by familiarizing the employee with new surroundings, new co-workers and new work rules and procedures. It is a responsibility shared by supervisory and management personnel and the Human Resources Department. The following sequence of events assures effective orientation:

- The Human Resources staff meets with new employees following selection to provide enrollment information, and to explain benefits and policies and introduce the Employee Handbook.
- The new employee's supervisor and/or Department Head reviews practices specific to their work group and items included on the New Employee Checklist (Exhibit 2)
- New employees attend an Orientation Program.
- Supervisors hold frequent discussions with new employees to assess their progress and provide coaching for improved job performance. A formal evaluation is conducted when an employee has six months service and a 5% pay increase is then considered.

**Initial Orientation
Period**

For the first six months of employment all employees are placed in an initial orientation period. During the initial orientation period, the City provides training and guidance on assigned duties, sets performance expectations and monitors performance. This is also an opportunity for the employee and the City to decide whether employment will continue. Upon successful completion of the initial orientation period, a 5% pay increase is granted, effective the first payday of the seventh month of employment.

Types of Separation

All separations from employment are designated as one of the following types:

Resignation Employee voluntarily ends employment by providing advance notice to the Department Head who establishes the appropriate length of the notice period.

Retirement Employee elects to retire and meets the conditions specified by the North Carolina Local Governmental Employees' Retirement System.

Leave of Absence Employee and the City agree to a leave of absence with the expectation that the employee will return to regular employment at the expiration of the leave. The City does not guarantee that the same job or an equivalent one will be available to employees upon the expiration of their leaves.

Dismissal The City dismisses the employee.

Reduction In Force The City terminates employment due to a reduction in force.

Disability The City terminates employment because the employee is unable to satisfactorily perform the current job and other available jobs due to a physical or mental disability and is unable to obtain a disability retirement.

NOTE Before any separation for disability is effected, careful consideration is first given to the reasonable accommodation requirements of the EEO Policy and the practicality of granting a leave of absence.

Death The date of death is treated as the last day of employment in computing length of service and compensation that may be due to the employee's estate or beneficiaries.

Payments At Separation

For **all** types of separation, the employee is paid for all unused annual leave and compensatory time for non-exempt employees once all City property (tools, equipment, uniforms and identification) has been returned. Certification of property return must be made to the Human Resources Department by the immediate supervisor before payment is authorized. No payment is made of unused Sick Leave.

Exit Interview

An exit interview is conducted by the Human Resources Department if the employee is available and willing. The exit interview has three purposes:

- To determine and record the departing employee's perceptions of their service with the City, work relationships, and working conditions.
- To assure that the employee is well informed regarding benefits and obligations.
- To solicit any questions or suggestions the employee may want to express.

General

The City recognizes that there are situations that occur which require positions to be redefined or reduced in number. These situations may include shortage of funds or work, program shifts, reorganization or consolidation, or other changes as determined by management. Should it be necessary to reduce the size of the City's workforce, specific procedures and actions will be developed and implemented. These procedures and actions will be in accordance with the guidelines that follow.

Determining Jobs To Be Vacated and Employees To Be Transferred Or Terminated

The factors listed below will be used to determine which employees will be retained:

- Essentiality of Position
- The Employees' Performance
- Length of Continuous Service

Based on these factors, Department Heads will develop and submit a departmental plan to the City Manager, listing each position and employee with evaluated factors, and designating "targeted positions." Employees occupying targeted positions will be subject to reassignment, transfer, demotion, or layoff/outplacement. (Exhibit 7)

Assistance to Employees

Employees scheduled to be laid off will be notified in writing by the City Manager through their Department Heads. After notification, the Human Resources Department will meet with them and provide eligibility information on the following:

- Insurance coverage under COBRA
- Pay-out for accrued vacation leave
- Severance allowance
- Withdrawal of contributions to the Retirement System
- Coverage of life insurance
- Pay-out for compensatory time for non-exempt employees
- Out-placement Program information

**Assistance to
Employees
(cont'd.)**

The Human Resources Department will establish a roster for rehiring into the vacant positions, and the names of the terminated employees will be placed on the eligibility list. They will also be placed on a mailing list from the Human Resources Department for job notices of other job opportunities. Within one year from the date of termination, an employee may be reinstated in the same classification without requiring a competitive process. Employees not rehired within one year from the date of termination must compete for positions and will be considered as new employees.

Section 3 – Employee Development

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General

To assist in the development of each employee's full potential and to improve effectiveness and efficiency of City operations, the City's Performance Appraisal System is designed to accomplish the following:

- Improve each individual's job performance and contribution to the organization.
- Provide an opportunity for the supervisor and employee to discuss the employee's duties and responsibilities, the related knowledge and skills necessary for successful job performance as well as the organization's expectations for the employee.
- Provide employees an opportunity to participate in the joint development of performance goals and personal improvement plans.
- Identify standards for work, recognize outstanding job performance and highlight areas of work that need improvement.
- Periodically re-evaluate the job duties, objectives and performance expectations and outline specific means to achieve them.

**Components
And Procedures**

Detailed specifications for operating the System are provided in the Performance Appraisal System Manual. The major system components are:

- **Performance Planning** Employee and supervisor agree on the specific expectations and standards against which the employee will be evaluated, **prior to** the start of the appraisal cycle.
- **Self Appraisal** Employee documents accomplishments and suggested goals and standards for the next review. This is required for employees in Management/Supervisory or Professional/Technical classifications.
- **Appraisal** Each employee is given a formal annual and mid-year appraisal plus frequent informal feedback related to job performance.
- **Multiple Instruments** Appraisal documents are tailored to major occupational groups.
- **Five-Level Scale** Distinguishes an employee's performance in five levels: unsatisfactory, needs improvement, good, very good and excellent.
- **Compensation Plan Linkage** Appraisals are conducted separate from compensation considerations; **after** they are complete, linkage to compensation is made, providing incentives for employees to meet and exceed expectations.

**Performance
Areas**

Employees are evaluated in the following job performance areas:

- **Key Duties and Responsibilities** Duties most important to successful performance as determined by the supervisor with employee input.
- **Goals and Objectives** For Management/Supervisory and Professional/Technical employees only. Goals and objectives are assigned by the supervisor at the beginning of the appraisal period.
- **Performance Dimensions** Expectations and performance characteristics are identified for major occupational groups.

General

For the continued effectiveness of all City operations, employees are expected to participate in training of various kinds including informal training exercises, short-duration seminars and formal, classroom experiences. Training will be provided at City expense, usually during work hours, as needed to maintain and improve job performance.

Responsibilities

Managers and Supervisors are responsible for determining the training needs of employees who report to them.

Department Heads are responsible for setting training priorities and arranging and procuring the needed training specific to their Departments. The Human Resources Director may assist in evaluating training opportunities.

Human Resources Department is responsible for arranging, procuring or providing universal training that is needed in more than one Department such as management skills, interpersonal skills, and retirement planning.

General	<p>Employees are encouraged to gain the knowledge, skills and experiences that will qualify them to advance in their careers and to enhance City operations. To assist employees, the City will reimburse a portion of the costs of formal education according to the guidelines that follow:</p>
Kinds Of Education Covered	<p>The individual course or degree program being pursued by the employee must be taken at an institution accredited by a nationally recognized accrediting agency and must either:</p> <ul style="list-style-type: none">• Improve or maintain skills and knowledge related to the employee's current job <p>OR</p> <ul style="list-style-type: none">• Provide required qualifications for advancement consideration to a job at a level immediately above the employee's current level.
Reimbursement Amount	<p>One half the cost of tuition, required fees, and required textbooks will be reimbursed for approved education up to a maximum of \$100.00 for each undergraduate course and \$150.00 for each graduate course.</p>
Conditions	<p>All the following conditions must be satisfied for reimbursement to be made:</p> <ul style="list-style-type: none">• Each class is approved in advance by the employee's Department Head and the Human Resources Director as meeting the requirements of these guidelines. Availability of funds will be determined at the time of approval.• Covered costs have been paid by the employee and are not covered for reimbursement by any other source.• Course was successfully completed with a grade of "C" or higher (or "pass" if pass/fail).• Employee has submitted evidence of payment and grade.• Employee remains actively employed by the City at the completion of the course.

**Changing Work
Schedules**

Occasionally, a course that meets the requirements of these guidelines may **only** be available during an employee's regular work hours. A Department Head is authorized to modify the employee's work hours or allow the employee to take time off the job **if** the City's operations are not adversely affected **and if** the employee can still satisfactorily perform all work duties.

**Sequence of
Events**

1. Employee requests approval.
2. Department Head (or higher) approves job-relatedness and funding.
3. Human Resources Director verifies accreditation.
4. Employee successfully completes course.
5. Employee submits evidence of payment and grade.
6. Department arranges reimbursement to employee.

**Authorized By
City Manager**

In order to promote the active participation of Department Heads in the civic affairs of the City of Salisbury, the City Manager may authorize payment of individual membership dues to civic organizations. Approved organizations are those devoted to civic affairs rather than those that are focused on fraternity or self-improvement.

**Service
Recognition**

The City appreciates and encourages the reliable, local service of its employees and annually conducts a special event to honor recent retirees and employees achieving lengths of service in multiples of 5 years beginning with 5 years of service. Employees achieving 25 years of service are honored with membership in the City’s Quarter Century Club.

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**Call-Ins
Required**

Employees must notify their supervisor, or phone in to a number designated by their supervisor, as soon as possible and no later than one hour prior to their shift, for each day of absence. The supervisor may authorize exceptions to the call-in requirement for an extended absence or in unusual circumstances. If an employee is absent for three entire workdays without notifying the supervisor, the employee will be subject to disciplinary action up to and including dismissal.

Tardiness Defined

Tardiness is defined as being late reporting for work or punching a timecard at the start of a scheduled work day, when returning from lunch, or when returning from a break.

**Time Off For
Funerals, Deaths**

Employees will be granted excused time off, with pay, for funerals and deaths as follows:

- Three consecutive calendar days following the date of death of an immediate family member (spouse, parent, grandparent, grandchild, sibling, child or parent-in-law).
- One day for the death of a relative other than an immediate family member.
- Two hours to attend the funeral of a co-worker.

**Employee
Responsibilities**

City employees are responsible for arranging and conducting their personal affairs and health care in a manner that minimizes their absence from work. Also, employees are required to notify their supervisors in advance, as soon as possible and at least one hour prior to their designated start time, for each day of an absence or each occasion of being tardy.

**Supervisor
Responsibilities**

Supervisors have the primary responsibility for:

- Monitoring the attendance of all employees who report to them.
- Determining and recording the excusability of absences and tardiness uniformly as specified in this Manual.
- Counseling and disciplining employees who have poor attendance or punctuality.
- Regularly communicating attendance policies, including the necessity of advance notification of absences, to all employees who report to them.

**Excused/
Unexcused
Absences and
Tardiness**

The time that an employee is not at work will be considered and counted as either time off-unexcused and not paid; time off-excused and paid; time off-excused and not paid; or leave time. Supervisors must decide how to count time not at work based on the following guidelines in consideration of the reason and the employee's past attendance record:

Reason/Condition Of Employee's Tardiness Or Absence	How Counted And Recorded
Employee was able but did not call in	Unexcused, not paid
Absence or tardiness is for one hour or more, employee has accumulated leave time, and reason fulfills leave time criteria	Annual Leave or Sick Leave
Absence or tardiness is for a reason that fulfills criteria for Sick Leave but employee has exhausted accumulated Sick Leave	Excused, not paid*
Tardiness is for less than one hour but fulfills criteria for Sick Leave	Excused, paid
Tardiness is for less than one hour and reason is compelling or unavoidable	Excused, not paid*
Absence or tardiness is for a reason that is not compelling or was avoidable	Unexcused, not paid*

- Note - Time not paid must be in increments of fifteen (15) minutes or more.

**Disciplinary
Action Steps**

Employees who have unexcused tardies and absences will be disciplined in progressive steps as follows:

Combined Number Of Unexcused Absences and Tardies in Prior 12 Months	Disciplinary Action Step
2	Oral Warning - Employee is counseled by supervisor.
3	Written Warning – Employee is provided a written warning stating that attendance needs improvement and that a suspension or dismissal will be considered if poor attendance continues.
4	Suspension or Equivalent – Employee is provided a written warning stating that attendance is unsatisfactory. At this step, employee may be suspended without pay for one to five days and is warned that dismissal will be considered if poor attendance continues.
5	Dismissal is considered.

**Performance
Evaluation**

For the portion of the Performance Evaluation concerning attendance, the appraisal scale would generally be determined as follows:

Combined Number of Unexcused Absences and Tardies in a 12 Month Evaluation Period	Appraisal Scale
2 or less	Good
3	Needs Improvement
4 or more	Unsatisfactory

General

Leaves are of two kinds:

- **Accrued Leave** Annual Leave and Sick Leave. The amount of leave accrues according to service, (see chart on page 43).
- **Specially Approved Leave** Leaves that are granted at the City's discretion based on the guidelines specified in this Manual.

Return To Work

For accrued leaves and education leaves, employees are guaranteed return to their original or equivalent job position and assignments at the conclusion of their leaves. For other leaves, including Family and Medical Leave Act (FMLA), the City will make every reasonable effort to allow employees to return to the same or equivalent assignment. The City does **not** guarantee that the same job, or an equivalent one, will be available to employees upon the expiration of other leaves. A job vacated by an approved leave of absence may be temporarily filled by another person, but the City reserves the right to replace the employee who is on leave to assure the effectiveness of City operations.

**Accrual of
Annual Leave
and Sick Leave**

For each calendar month an employee is employed in a regular position, Annual and Sick Leave time accrues as follows:

ANNUAL LEAVE ACCRUAL						
Years of Service at the start of the month	Average Workweek 20 hrs.	Average Workweek 25 hrs.	Average Workweek 37.5 hrs.	Average Workweek 40 hrs.	Sworn Police Personnel (207K)	Fire Personnel (207K)
Less than 7	4 hrs.	5 hrs.	7.5 hrs.	8 hrs.	16 hrs.	22 hrs.
7 or more, but less than 14	5 hrs.	6.25 hrs.	9.38 hrs.	10 hrs.	18 hrs.	25 hrs.
14 or more, but less than 21	6 hrs.	7.5 hrs.	11.25 hrs.	12 hrs.	20 hrs.	28 hrs.
21 or more	7 hrs.	8.75 hrs.	13.13 hrs.	14 hrs.	22 hrs.	31 hrs.

SICK LEAVE ACCRUAL						
	Average Workweek 20 hrs.	Average Workweek 25 hrs.	Average Workweek 37.5 hrs.	Average Workweek 40 hrs.	Sworn Police Personnel (207K)	Fire Personnel (207K)
Accrual Rate	4 hrs.	5 hrs.	7.5 hrs.	8 hrs.	8.5 hrs.	12 hrs.

NOTE

For the calendar month employment begins, leave time will only be accrued if employment starts prior to the fifteenth of the month. Separating employees are eligible for the Annual Leave accrued in the month of termination only if they work through the fifteenth of the month.

**Use of
Leave Time**

Annual Leave and Sick Leave are used in units of one hour or more. Leave time will be counted based on an employee's standard day work schedule. Any accrued Compensatory Time should be exhausted before Annual Leave or Sick Leave is used. Use of Compensatory Time for sickness or illness shall be noted on the employee's attendance record. When an employee must be absent from work due to a prolonged illness or health condition, Sick and Annual Leave benefits may be used on a half-time basis.

**Accumulation Of
Annual Leave**

During a calendar year, unused accrued Annual Leave time will accumulate without limit. However, at the end of a calendar year, accumulated leave time is limited to 240 hours for employees with less than seven years service, and limited to 360 hours for employees with seven or more years of service. Accrual limits for regular, part-time employees will be prorated based on their standard workweek. Sworn Law Enforcement Officers are limited to 470 hours per calendar year, and Fire Personnel are limited to 582 hours per calendar year. All annual leave balances over the specified accumulation limits will be converted to sick leave. Converted leave balances will be reflected in the first paycheck in January of the following year.

**Accumulation
Of Sick Leave**

Sick Leave time will accumulate without limit. Retirement credit can be obtained for accumulated sick leave time in accordance with the North Carolina Local Government Employee's Retirement System.

**Transfer Of
Sick Leave**

Sick Leave time accrued at a previous governmental jurisdiction within North Carolina may be transferred upon employment with the City at the request of the employee and with proper certification from the previous government jurisdiction.

**Supervisors'
Responsibility**

Supervisors should monitor leave accounts and encourage employees reporting to them to schedule Annual Leave time so that employees do not lose unused leave time and so that there are not excessive leave time requests during holiday periods and at year end.

**Scheduling
Leaves**

Employees are expected to request Leave time as far in advance as possible but no earlier than 12 months in advance. Department Heads will establish procedures for their departments and work units regarding the scheduling of Annual Leave. These procedures will be based on assuring the effective performance of City operations while granting employees the opportunity to plan leaves with a reasonable amount of certainty. Generally the procedures will specify these steps:

- How and when to submit requests for leave time.
- How leave times are tentatively granted.
- For what period of time the tentative leave times are posted, or otherwise communicated to co-workers, before they are granted.
- How conflicting requests will be resolved if any occur
- How far in advance of leave time tentatively scheduled will the employee know it has been granted.
- Examples of unusual or extreme circumstances requiring an employee to reschedule Annual Leave and the process for rescheduling the leave.

Annual Leave

Purpose To provide time for vacationing, rest, relaxation or to conduct personal affairs.

Conditions Except for unusual circumstances, determined by a Department Head, employees will normally not be granted Annual Leave until they have completed six months' service. The timing and length of each occasion of taking Annual Leave must be approved by the Department Head or Division Manager.

Time Available Is the amount of leave accrued at the start of the leave.

Benefits All benefits and the accrual of leave times continue.

Pay Full pay.

Sick Leave

Purpose To provide time for employee health care, physical or dental exams, or treatment and recuperation from a sickness or non-job-related injury. Time may also be granted to provide health care for dependent children, spouse, or dependent parent.

Conditions Verification may be required as to the nature of the sickness or treatment of the employee, spouse, or dependent parent. Additionally, an employee may be required to be examined by a physician chosen by the City to verify disability, need of treatment, or ability to return to work.

Time Available Is the amount of leave accrued at the start of the leave.

Benefits All benefits and the accrual of leave times continue.

Pay Full pay.

**Family and
Medical Leave**

Purpose To provide time needed for (a) the birth, foster care placement or adoption of a child; (b) to care for a spouse, child or parent with a serious condition; or (c) the employee's own serious health condition.

Conditions An employee must have been employed for a minimum of 12 months. Sick and/or Annual Leave will be applied to the period of time requested and will run concurrently. Requests for family and medical leave must be submitted within 30 days of the expected leave. If a 30-day notice is not feasible, a request must be submitted as soon as there is awareness that leave is required. An employee may be required to provide medical certifications supporting the need for leave due to a serious health condition affecting the employee or for that of a spouse, dependent child or parent. Employees are required to notify their supervisors whether they will or will not be returning within five working days of their projected return date. They may return to the same job, or an equivalent one, if these requirements are met, and the return is on the projected date. The City does not guarantee that the same job, or an equivalent one, will be available if an employee does not return at the end of the 12-week period.

Time Available Twelve weeks.

Benefits Family and Medical Leave will run concurrently with Sick or Annual Leave. Benefits and accrual of leave times will continue until any paid leaves are exhausted.

Pay None, unless running concurrently with Sick and/or Annual Leave.

**Administrative
Leave**

Purpose The City may require time off from work in one or more of the following situations:

- To investigate alleged misconduct
- To legally determine guilt
- To provide a cooling off period in situations of anger or hostility
- To determine employment status while time for deliberation or review is necessary

Conditions A Department Head may unilaterally impose the leave but must, as soon as practicable, obtain the concurrence of the Human Resources Director. When possible employee misconduct is involved, the leave should be based on an allegation or reasons to suspect that an employee's misconduct on the job or the commission of a crime is such that, if found guilty, the consideration of the employee's dismissal would be warranted.

Time Available Although there is no time limit, the employee's situation should be examined at least weekly to determine if continuation of the leave is still warranted.

Benefits All benefits and the accrual of leave times continue for 30 calendar days, and may be extended longer with the approval of the City Manager.

Pay Full pay for 30 calendar days which may be extended longer with the approval of the City Manager.

Parental Leave

Purpose To provide time for the parental care of a newborn or a newly-adopted child.

Conditions Employee is verified as the parent, a primary care giver, and is not otherwise employed.

Time Available Up to six months following the time that the child enters the employee's home.

Benefits All benefits and the accrual of leave times continue up to 30 calendar days of absence made up of any combination of leave times.

Pay None.

Civil Leave

Purpose To provide time for the performance of Jury Duty or for a subpoenaed appearance in court.

Conditions Employee must provide verification of a subpoena or the time spent in court for Jury Duty.

Time Available No time limit. Employees with 8-hour work shifts will be required to report to work for any portion of their normal workday of any hour or more when they are not required in court. Employees with other shifts may be required to report to work for a portion of their normal workday as directed by their supervisor.

Benefits All benefits and accrual of leave times continue.

Pay Full pay.

NOTE Civil Leave is not to be used for time spent in court as a plaintiff or for time spent in political or civic activities.

Disability Leave

Purpose To provide time off to employees with a long-term disability who have exhausted their annual and sick leaves.

Conditions Employee must provide verification that, due to non-job related illness or injury, they are unable to perform their regular job duties or other duties that the City may have available. In addition, the employee may be required to be examined by a physician chosen by the City to verify disability and to evaluate the employee's ability to perform various job duties.

Time Available Six months.

Benefits All benefits and the accrual of leave time continue up to 30 calendar days of absence made up of any combination of leaves.

Pay None.

Education Leave

Purpose To provide time off to attain formal education that will better enhance the employee's ability to perform assigned job duties.

Conditions The leave and the education courses must be recommended and approved by the employee's Department Head and the City Manager. In some circumstances, the leave may be granted only after the employee voluntarily agrees to an obligation to repay the City in the form of services of a particular kind and/or duration.

Time Available Six months.

Benefits Benefits and the accrual of leave times continue for at least 30 calendar days and then may be extended as approved by the City Manager.

Pay Pay may be full pay, partial pay or no pay as approved by the City Manager prior to the leave.

Military Leave

Purpose To provide time off to perform military duty.

Conditions The employee must provide verification prior to leave that military duty will be performed. Employees whose regular work schedule conflicts with mandatory "weekend" military duty will be granted two-day Military Leaves.

Time Limit None.

Benefits All benefits and the accrual of leave times continue for up to 30 calendar days.

Pay For up to a maximum of 14 days per calendar year, the employee will be paid the difference between what would have been paid for the standard work schedule and the military pay received. This payment depends upon verification of military pay received.

NOTE Department Heads are responsible for keeping records of Military Leave days taken and payments made to assure compliance with these policies.

Personal Leave

Purpose To provide time to employees who have a compelling need to be absent from work, and who have exhausted the availability of other leaves.

Conditions The employee's Department Head recommends and the City Manager approves the leave based on a determination that:

- The employee's job duties that are essential to City operations will be performed during the leave.
- The employee's need for the leave is for a compelling reason.
- The employee expects to return to work at the conclusion of the leave.

Time Limit Six months.

Benefits All benefits and the accrual of leave times continue for up to 30 calendar days.

Pay None.

**Summary of
Leave Benefits**

Kind of Leave	Pay	Time Limit	Benefits, Accruals, Holidays (Note 1)
Annual	Full	Time Accrued	Yes
Sick	Full	Time Accrued	Yes
Administrative	Note 2	None	Note 2
Parental	None	Note 3	30 days
Civil	Full	None	Yes
Disability	None	6 months	30 days
Education	Optional	6 months	30 days
Military	Partial	None	30 days
Personal	None	6 months	30 days

Note 1 30 days of continued accruals and benefits is based on 30 continuous days of absence made up of any combination of leaves.

Note 2 Full for 30 days, then optional.

Note 3 Parental Leave is limited to the date 6 months after the child enters the employee's home.

Recordkeeping

Official leave records will be maintained by Department Heads subject to periodic audit. Department Heads are responsible for keeping records of Military Leave days taken and payments made. A record of holiday, annual and sick leave time, available in hours, will be shown on the pay stub of each employee.

**Pregnancy and
Maternity**

Absences and leaves for reasons related to pregnancy and maternity are treated identically to absences and leaves for other reasons. The purpose and conditions related to Annual Leave, Sick Leave, Parental Leave, Disability Leave, and Personal Leave provide the time that an employee will need for reasons related to pregnancy and maternity.

**Payment For and
Treatment Of
Absences**

An employee absent from work due to a job-related illness or injury covered by the North Carolina Workers' Compensation Act will be paid consistent with the act and may take leave time according to the employee's choice, as follows:

PERIOD OF ABSENCE	PAY AND TREATMENT
First seven calendar days of absence	Employee receives full pay and days off work are considered excused absences.
From eighth calendar day of absence on. (Option 1 or 2 as employee chooses.)	OPTION 1: Employee receives Workers' Compensation payments (usually two-thirds of regular weekly pay). OPTION 2: Employee receives full pay made up of Workers' Compensation payments supplemented by accrued annual leave and/or sick leave. Time away from work is considered an excused absence.

General

Holidays are days designated by the City Council when employees are either:

- excused from work with pay
- paid an additional day's pay or granted an additional day off

Designated Holidays

The following days are currently designated as Holidays:

New Years Day	Labor Day
Martin Luther King Day	Thanksgiving Day
Good Friday	Day after Thanksgiving
Memorial Day (last Monday in May)	Christmas (2 days)
Independence Day	

When a holiday falls on a Saturday, it is observed on the preceding Friday; when it falls on a Sunday, it is observed on the following Monday. Christmas holidays are observed on Christmas day and a day determined by the City Council. If Christmas falls on a weekend the holidays are determined by the City Council.

Holidays During Scheduled Time Off

Additional pay or excused time off may be granted for holidays during an employee's scheduled time off as follows:

If the holiday Occurs	Then
On an employee's regular day off	Employee receives an additional day's pay or is granted an additional day off between one month before and three months after the holiday
During Leaves when benefits continue	Holiday is counted as a holiday, not a leave day
During Leaves when benefits discontinued	Employee does not receive holiday pay or additional time off
During excused absence related to Workers' Compensation	The portion of the day not covered by Workers' Compensation pay is counted as a holiday

Granting Breaks

The granting of breaks during a work day is not a standardized process and is granted only as specified by supervisory discretion.

Conditions

Supervisors will grant work breaks by specifying times, places, and appropriate guidelines for taking breaks. Guidelines should minimize having breaks interfere with the access and activities of the public, and should prevent the misperception of the public that City employees are not being productive or efficient in performing work duties.

Severe Weather Status

The Manager may place the City's workforce on **Severe Weather Status** when weather conditions are expected to make transportation very difficult or hazardous. The imposition of this status will be announced on local radio stations and on a recorded message that employees can access by calling an "employee hotline" phone number. The Severe Weather Policies that follow will be in effect for the duration of the Severe Weather Status.

Work Categories

Department Heads will determine work schedules and assignments to assure that vital city services are delivered with certainty and that other important city services are given appropriate attention. Each employee will be assigned to one of these four Work Categories:

- Essential; Report to work
- Essential; Stand-by
- Non-Essential; Work available
- Non-Essential; No work available

Assignment to Work Categories

Department Heads will periodically inform those employees who would usually be assigned to an essential category due to their occupation or regular work function. When weather forecasts make the **consideration** of Severe Weather Status probable, employees will be reminded of the City's policies and they will be informed, to the extent known, of the Work Category to which they would likely be assigned.

Individual Employee Assignments

The availability of work, the nature of the work assigned and the times that an employee may be needed to work or be on stand-by are subject to change according to changing conditions. Employees are expected to remain in frequent contact with their supervisors to learn their individual assignments and work category.

**Essential;
Report to Work**

Employees are expected to take the additional time and effort needed to report for work at their designated starting time, but to not take unreasonable risks with their safety or the safety of others. The City may take extraordinary measures, including the provision of transportation, when needed to help employees in essential work categories get to and from work. The regular attendance policies apply to employees in this category.

**Essential;
Stand-by**

Employees in this category are expected to be immediately accessible by phone and be ready for work during their assigned stand-by schedule. Employees will receive regular pay for the time they are on stand-by. Regular attendance policies will apply with an absence or tardiness counted for any time they are not accessible and ready for work.

**Non-Essential;
Work Available**

Regular attendance policies apply to employees in this category.

**Non-Essential;
No Work
Available**

Employees may be assigned to this category either before or during their work shift. Employees may choose how the time not worked is counted, either excused – not paid or Annual Leave.

Section 5 – Pay

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Pay Period	Employees will be paid on a biweekly basis or as otherwise directed by the City Manager.
Deductions From Pay	<p>Payroll deductions will be made as mandated by law or the City Council and as employees may elect, limited to the following:</p> <ul style="list-style-type: none">• Tax withholding• Premiums for City-sponsored Health Insurance• Deferred Compensation• 401(k) loan payments and savings• Premiums for City-sponsored Life Insurance• Payments to the North Carolina Local Governmental Employees' Credit Union• Payments to the North Carolina State Employees' Credit Union• United Way contributions• Garnishments by order of a court of competent jurisdiction• Section 125 Medical and Dependent Care reimbursements
Direct Deposit	Direct deposit of an employee's net biweekly pay will be made to a single financial institution of the employee's choice.
Fair Labor Standards Act (FLSA)	The City's pay practices are in accordance with the applicable provisions of the federal Fair Labor Standards Act (FLSA). The Human Resources Director is responsible for determining how FLSA applies to City employees, positions that may be exempt from overtime and how overtime is to be computed and paid for various work schedules.
Overtime	When a Department workload requires work beyond established work schedules, the Department Head may authorize overtime. Overtime opportunities will be offered to all employees to the extent possible, and all employees are expected to work overtime when requested.

**Overtime
Compensation
For Non-Exempt
Employees**

Employees not exempted from Fair Labor Standards Act (FLSA) will be paid compensation or be given compensatory time off at one and one half times for hours worked over forty (40) hours in a work week. The scheduling of compensatory time off is established by each Division Manager or Department Head, and the balance will be exhausted prior to the use of Annual Leave or Sick Leave.

**Overtime
Compensation
For Exempt
Employees**

Executive, administrative, and professional employees are classified as exempt from FLSA and are not legally entitled to overtime pay for hours worked in excess of forty (40) in a work week and therefore will not generally be paid for overtime or be given compensatory time. As a general rule, exempt employees are paid a pre-determined salary for any work week in which they perform work or the number of hours worked during that work week. However, an employee need not be paid for any work week in which s/he performs no work.

Under certain special circumstances listed below exempt employees may be paid straight-time for hours worked beyond 40 hours in a work week:

- When approval for pay is granted prior to the overtime for performing the work of an absent employee or a vacant position.
- When approval for pay is granted for an unanticipated necessity to work to protect life, health, safety or security.

Approvals for payment can be granted by a Department Head for up to 25 hours in a month per employee. City Manager approval is required for additional hours. Approvals for payment must be documented in a memo.

Exempt employees who work holidays will not receive additional compensation other than holiday pay.

FLSA Safe Harbor Policy

Deductions can be made from an exempt employee's salary (in addition to listed in the Deductions for Pay section of this Chapter) in the circumstances listed below. Employees are advised to check their pay stubs and are encouraged to report any mistakes to the **Human Resources Department**. Inadvertent mistakes will be corrected promptly.

Permissible Deductions

- The City may deduct from an exempt employee's weekly salary for any full-day that the employee is absent from work for personal reasons, other than sickness or disability. If an exempt employee is absent for personal reasons, and uses an available paid sick leave or annual leave day, the employee will be paid for that day. If, however, an exempt employee is absent for a day after having exhausted all sick and annual leave days, the City may deduct from the exempt employee's salary a full day of pay for each full-day absence.
- The City may deduct from an exempt employee's weekly salary for any full day that the employee is absent from work for sickness or disability if the deduction is made in accordance with the City's sick leave policy, short-term or long-term disability plan, or applicable state disability insurance or workers' compensation law, or pursuant to the City's practice of providing compensation for loss of salary occasioned by sickness or disability. Deductions for such full day absences also may be made for absences due to sickness or disability occurring before the employee has qualified for benefits under the applicable plan or policy and after exhaustion of the leave allowance. The City is not required to pay any portion of the employee's salary for full day absences for which the employee receives compensation under the plan, policy or practice. An exempt employee who needs to miss work due to sickness or personal disability should speak with Human Resources regarding his/her possible entitlement to the continuation of a portion of his/her salary through the City's short or long-term disability insurance policies.
- The City may offset an exempt employee's salary by the amount of money received by that employee as jury fees, witness fees, or military pay for any particular work week. Any employee receiving such fees or military pay must report this fact to the supervisor.

PAY PRACTICES

FLSA Safe Harbor Policy

- The City may suspend an employee without pay, for any amount of time, without affecting the employee's exempt status, for a violation of safety rules of major significance to the City. Such a

violation would include a safety or health standard directly applicable to the City's business, or the violation of which would or could result in a serious citation under the Occupational Safety and Health Act.

- The City may suspend an exempt employee from work without pay for one or more full days for serious workplace misconduct in violation of the City's workplace rules of conduct , including, but not limited to, violations of the City's anti-discrimination, sexual harassment, workplace violence, and drug and alcohol policies.
- The City is not required to pay the full salary of an exempt employee in his/her initial or terminal weeks of employment if that employee does not work for the entirety of those weeks. The City will pro-rate the employee's salary, in these weeks, in proportion to the days (or time) worked.
- The City may deduct from an exempt employee's weekly salary for time that the employee takes as unpaid leave under the Family and Medical Leave Act (whether it is a full-time leave, or intermittent leave or reduced-schedule leave). Employees should review the City's **Family and Medical Leave Act Policy** for further information about such leaves of absence.

Time off taken by exempt employees for partial day absences due to personal reasons, sickness or disability, jury duty, attendance as a witness, or military leave may be charged to an employee's annual leave.

PAY PRACTICES

Pay
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Complaint Procedure

If you have questions about deductions made from your weekly salary, please contact in the **Human Resources Department**. If you believe that your salary is subject to impermissible deductions or that a deduction has been taken improperly or in error, please report that concern to your supervisor and/or **the Human Resources Department**. Any employee who receives such a complaint, or is otherwise aware of improper or mistaken salary deductions, must immediately notify **Human Resources Department**. The City will promptly investigate any such matter brought to its attention to determine whether there has been a violation of this Policy. It is the obligation of all employees to cooperate in such an investigation. Any improper or mistaken salary deduction will be remedied promptly.

FLSA Safe Harbor Policy

Anti-Retaliation

The City prohibits retaliation, in any form, against any employee who makes a complaint under this Policy or participates in the City's investigation of such a complaint.

In the event that an investigation establishes that a violation of this Policy has occurred, the City will reimburse the employee for any improper deductions and will take all appropriate corrective action to ensure that such deductions or conduct does not occur again.

Call Back Compensation

Employees not exempted from FLSA will be paid a minimum of two hours' wages or be given two hours compensatory time off for being called back to work outside of normal working hours.

Part-time Work

An employee whose regular work schedule is less than full-time service will be paid the regular hourly pay rate. Part-time employees who work more than 1000 hours in a calendar year will receive prorated benefits. Part-time employees who work less than 1000 hours in a calendar year receive no benefits.

General	All job positions are classified into a structure that establishes specific pay ranges and levels of responsibility with various job families. The City’s Classification Plan is described in detail in the Class Concepts Manual.
Salary Range	For each classification level, a particular salary range is established. Employees advance to higher pay based on job performance evaluations and merit increase recommendations of the Department Head.
New or Changed Classifications	Department Heads are responsible for informing the Human Resources Director of substantial changes in the duties, responsibilities, working conditions, or other factors affecting the classification of existing positions. The Human Resources Director may recommend the reclassification of an existing position, assigning a new position to an existing classification or, for a new or changed position, the creation of a new classification level. Classifying or reclassifying a position requires the approval of the City Manager.

Compensation Plan

The City's Compensation Plan is described in detail in the Compensation/Job Evaluation Study - Final Report and Updates. It is designed to accomplish the following:

- Ensure the City's ability to attract and retain well-qualified personnel
- Ensure that the City's practices are competitive with those of comparable employers
- Ensure that each classification is paid fairly in comparison with other City classifications

Adjustments For Job Changes

When employees have job status changes their rate of pay may be adjusted according to the following:

When An Employee Is....	Pay Is....
Moved to a position classified with the same pay range	Not changed
Moved to a position classified with a higher pay range	Increased 5% or to the minimum of the new pay range, whichever is higher
Moved to a position classified with a lower pay range for reasons of job performance or disciplinary action	Decreased 10% or to the maximum of the lower pay range, whichever is lower
Moved to a position classified with a lower pay range for reasons not related to job performance or disciplinary action	Decreased as determined by the City Manager on a case-by-case basis

**Adjustments
For Positions
Reclassified
Higher**

An incumbent of a position reclassified to a class with a higher pay range will receive a 5% increase or an increase equivalent to the minimum of the new pay range, whichever is higher.

**Adjustments
For Positions
Reclassified
Lower**

Incumbents in positions reclassified to a class with a lower pay range will usually have no change in their rate of pay. If the incumbent's rate of pay is higher than the maximum for the new pay range, the incumbent's rate of pay:

- Will be reduced to the maximum rate of the new range.

OR

- With the approval of the City Manager, will be maintained (with no increase of any kind) until the maximum rate reaches or surpasses the incumbent's rate of pay.

Salary Increment

Each year, based on available funds, the City Council will consider granting a lump sum payment to all employees who have been on the active roll from the prior January 1st through November 15th. This payment is made on the first Friday in December and is based on one percent of the past year's compensation.

Section 6 – Disciplinary Action

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General

The primary objective of disciplinary employees is to correct misbehavior or to help employees achieve satisfactory performance. Although serious misconduct or the inability to satisfactorily perform work duties may result in any one of several disciplinary actions up to and including dismissal, discipline is designed to be progressive, proceeding from oral warnings(s), to suspension(s), to dismissal.

**Responsibilities
And Authority**

The immediate supervisor has the primary responsibility for evaluating employee conduct and performance, counseling and coaching employees, and determining appropriate disciplinary action. The Human Resources Director will advise and assist supervisors as requested. The concurrence of the Human Resources Director is necessary before any determination is made that an employee is to be suspended, demoted, dismissed, or placed on Administrative Leave.

**Disciplinary
Suspension**

An employee suspended for disciplinary reasons shall be relieved temporarily of all duties and shall receive no compensation for the period of suspension. The concurrence of the Human Resources Director is necessary before suspending an employee except that a Department Head may immediately suspend an employee for causes related to personal conduct in order to avoid undue disruption of work, to protect the safety of persons or property, or for other serious reasons. A suspension will usually be for one to five workdays. A suspension for longer than five workdays requires the approval of the City Manager.

Step 1 Oral Warning

The supervisor and/or the Department Head hold a conference with the employee in a private location. The problem or misconduct is described in terms of its affect on the employee's job and City operations. The employee's expected behavior is described. The supervisor then listens and responds to the employee's comments and reactions. **After the discussion**, the supervisor writes an account of the conference and provides a copy to the Human Resources Department.

Step 2 Written Warning

The supervisor and/or the Department Head hold a conference with the employee in a private location. The employee is reminded of prior discussions. The problem and expected behavior are again described. The employee is informed of the consequences (consideration of suspension or dismissal) if the problem continues. The supervisor then listens and responds to the employee's comments and reactions. **After the discussion**, the supervisor writes a full report of the meeting. The employee is **asked** to sign the report and is offered a copy. A copy is provided to the Human Resources Department.

**Conference Prior
To Steps 3 or 4**

The supervisor confers with the Department Head and the Human Resources Director. Together they review the facts and circumstances and concur on the appropriate action to be taken using the following guidelines:

Action	Condition
Repeat Warning	Prior warning was 1 year ago or more
Repeat Warning	There are significant mitigating circumstances
Suspension	It appears that the problem is due to the employee's willful misconduct or negligence
Consider demotion	It appears that the problem is due to the employee's inability to perform job duties
Issue a warning that states, "Warning carries the full weight of a suspension of employment"	Attendance is the problem and/or employee's services are needed for City operations
Conduct a Pre-dismissal Conference	Misconduct is gross and willful or prior progressive discipline has been unsuccessful

**Step 3
Suspension
Or
Demotion**

A notification letter is written to the employee giving the dates of suspension or terms of the demotion, again describing the problem, the expected behavior, and the consequences if the problem continues. At a private meeting the notification letter is given to the employee and discussed. The supervisor listens to the employee's comments and reactions. Within two days a report of this discussion is written. The employee is asked to sign the report. A copy of the report is delivered to the Human Resources Director.

NOTE For attendance problems or when the employee's services are needed, Step 3 may be the issuance of a warning carrying the full weight of a suspension. A notification letter will be issued in these circumstances.

Step 4 Dismissal

When a Pre-Dismissal Conference confirms the decision to dismiss, a notification letter is written to the employee by the Department Head. This letter gives the reason for dismissal and the termination date and is approved by the Human Resources Director. The employee's comments and reactions will be recorded in an exit interview conducted by the Human Resources Department.

**Administrative
Leave**

Although Administrative Leave is not a disciplinary action step, it may sometimes be the interim step taken when time is needed prior to taking action. For more guidance, refer to **Administrative Leave** in the **Time Worked/Time Off** section of this manual.

Failure In Performance Of Duties

The following is not intended to be an exhaustive list but provides examples of failure in performance of duties that will cause disciplinary action to be considered, up to and including dismissal:

- Unsatisfactory attendance.
- Unsatisfactory job performance due to inefficiency, negligence, or incompetence.
- Discourtesy to the public or other employees.
- Violation of the Equal Employment Opportunity or Sexual Harassment policies (refer to Basic Policies Section).
- Failure to follow safety rules and regulations, including failure to report an on-the-job accident or injury.
- Improper disclosure of City records and documents.
- Failure to perform job duties for reasons within the employee's control.

Misconduct

The following is not intended to be an exhaustive list but provides examples of misconduct that will cause disciplinary action to be considered, up to and including dismissal:

- Fraud or misrepresentation in securing an appointment, job placement or an employee benefit.
- Misappropriation of City funds or property.
- Falsification of City records.
- Violation of the Alcohol and Drug Abuse policies (refer to the Health & Safety Section).
- Willful damage of property.
- Willful acts that could endanger the lives, physical well-being, or property of others.
- Acceptance of gifts in exchange for "favors" or "influence".
- Outside employment that is incompatible or a conflict of interest with City employment.

**Misconduct
(cont'd.)**

- Violation of Political Activity policies (refer to the Basic Policies Section).
- Soliciting (see expanded description).
- Wearing clothing at work that violates generally accepted standards of modesty, that is unsafe, or that displays pictures or messages that are offensive or inappropriate for City employment.
- Littering; failure to keep work area clean and orderly.
- Placing items on bulletin boards that have not been approved by a supervisor.
- Allowing unauthorized visitors to work sites or City facilities.
- Using tobacco in unauthorized areas.
- Threatening, coercing, or intimidating fellow employees.
- Sexual activity while at work or in a City facility.
- Fighting, horseplay, or disorderly conduct.
- Excessive personal use of City telephones.
- Stopping work or leaving work areas during scheduled work hours without permission of supervision.
- Insubordination.
- Inability to perform driving duties because of the loss or reduction of driving privileges due to driving while impaired or other motor vehicle violations.
- Conviction (or a plea of “no contest”) to a crime which is a felony, involves moral turpitude or would adversely affect performance of duties.
- Unauthorized possession of firearms or weapons.

Soliciting

“Soliciting” means asking someone to buy or to give money or to take some action. It includes selling raffle tickets, passing out literature, selling merchandise, passing petitions around, and making requests for donations. Soliciting employees during work times or soliciting employees anytime within City facilities is prohibited **except** when it is for a recognized, legitimate charity and is not done excessively. In circumstances where there is a question as to a charity’s legitimacy or to the excess of solicitation, the Department Head will make the final authorization.

**Loss of
Driving
Privileges**

Employees are required to report to the City any loss or reduction of driving privileges due to driving while impaired or other motor vehicle violations.

Section 7 – Health & Safety

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Promoting Health The City promotes the good health, physical and mental well-being of its employees, in part by its support and sponsorship of various employee activities and programs.

Tobacco Use Smoking is prohibited in all City buildings and facilities. The City Manager may designate smoking areas in accordance with city ordinance.

General

The City intends for its employees to have a safe and wholesome work environment, free from the detrimental effects of alcohol and drug abuse. To this end, the City practices a zero tolerance philosophy with respect to the use of alcohol and drugs in the workplace. Employees who engage in prohibited drug-or alcohol-related activities will be subject to disciplinary action up to and including dismissal and, when applicable, to criminal prosecution.

Prohibited Activities

The following activities are strictly prohibited:

- The use, possession, distribution, transportation, sale, purchase or transfer of alcohol, a controlled substance, illegal drugs, or prescription medication without a prescription on City property or while at work or while conducting City business.
- **Off-the-job** use of alcohol, a controlled substance or illegal drug when such use affects an employee's job performance, jeopardizes the safety of others or generates publicity that adversely affects the City or its employees.
- Illegal activities regarding alcohol, controlled substances or illegal drugs that lead to arrest or notoriety.

Policy Guidelines

Refer to Exhibit 3.

Drug-Related Arrests

Employees are required to report to the City any arrest for a drug or controlled substance offense including the use, sale, distribution or possession during working or non-working hours. An employee who fails to report such an arrest is subject to disciplinary action up to and including dismissal.

Prescribed and Over-the-Counter Drugs

An employee using any legally-prescribed narcotics, depressants, or stimulants or any over-the-counter or prescribed drug or medicine that causes drowsiness or that contains a warning about operating machinery, **must** report the use to their supervisor so that safety and satisfactory job performance can be assured. An employee who fails to report this drug use is subject to disciplinary action up to and including dismissals.

Exception:

The City Manager, Human Resources Director and all employees of departments responsible for the administration, disbursement, project implementation of and all other matters related to Housing and Urban Development funds are not subject to the above stated requirement regarding prescribed and over-the-counter drugs.

Employees with Chronic Diseases

Employees with a chronic disease, including cancer, heart disease, multiple sclerosis and AIDS, will be permitted to work provided that they are medically fit to work, able to achieve satisfactory job performance, satisfactory attendance, and their condition is not a health or safety risk to co-workers or the public. Employees are obliged to avoid actions and take any precautions necessary to avoid transmission of any disease. Special consideration for an employee who may feel threatened by a co-worker's illness is not justified if the co-worker satisfies the criteria above.

Disease Prevention

The Police and Fire Departments shall develop and disseminate to all their employees specific precautionary guidelines for the prevention of HIV infection. Vaccination against infection of Hepatitis B is offered to all employees whose work duties expose them to infection.

Exposure to Disease

All employees are required to report any work-related incident of significant exposure to any disease.

Awards	<p>Organizations that achieve outstanding safety performance are recognized with the annual City Manager's Safety Awards for:</p> <ul style="list-style-type: none">• Personal Safety – based on the lower incidence of accidents and injuries using National Safety Council Standards.• Vehicular Safety – based on the lower incidence of vehicular accidents considering miles driven and levels of risk using National Safety Council Standards.
Meetings	<p>Monthly safety meetings are conducted to inform employees of safety issues, to explore improvements to safety procedures and accident prevention, and to promote good safety practices.</p>
Safety Equipment	<p>The City provides safety equipment such as eye and ear protection, safety shoes, gloves, etc. to protect employees performing work duties.</p>
Reporting Safety Hazards	<p>Any employee who becomes aware of a situation that presents a safety hazard to them, their co-workers or the public should immediately inform their supervisor and/or complete and submit a Hazard Alert Form (Exhibit 4).</p>

Required Actions

The following actions are required for **all** on-the-job accidents or injuries:

- Report incident to a supervisor as soon as practical.
- Treat the injury with first-aid, visit the City physician or an Emergency Room as appropriate (accompanied by a supervisor whenever practical).
- Supervisor completes North Carolina Industrial Commission Form #19 and forwards it to the Risk Manager within 24 hours.

Vehicular Accidents

The following additional guidelines should be followed for vehicular accidents while on the job:

- Secure medical attention for all injured parties.
- Don't move vehicles until advised by a police officer or the Risk Manager.
- Notify supervision and Risk Manager.
- Stay at the scene until advised by a police officer or the Risk Manager.
- When the on-the-scene investigation is complete, move the vehicle to Fleet Management for an assessment of damages.

NOTE

If investigating parties determine that an employee (driver) is identified with a contributing factor to an accident, the employee must submit to drug and alcohol testing. This will be accomplished by the City's designated drug testing provider during regular operating hours. After hours testing will be performed at the Emergency Room of Rowan Regional Medical Center. The employee will be accompanied by the immediate supervisor or designee, and will be prohibited from operating any vehicular equipment for the remainder of the shift.

Workers' Compensation Coverage

Worker's Compensation insurance covers work-related accidental injuries and occupational diseases as defined by state law. With the review and authorization of the North Carolina Industrial Commission, the City pays for:

- Related medical treatment (by medical providers chosen by the City).
- Income compensation for periods of extended absence.
- Compensation for permanent disabilities or disfigurement.

Workers' Compensation Conditions

The following conditions are based on State law and procedural requirements:

- Prompt and accurate reporting of accidents, injuries, and medical treatment by employees and supervisors to the City and by the City to the North Carolina Industrial Commission.
- Coverage is only for accidental injuries and occupational diseases arising out of and in the course of employment with the City.
- When an accident, near accident, or injury occurs on the job, a test for alcohol consumption and presence of non-prescribed drugs may be performed. Positive results will lead to the denial of Workers' Compensation benefit.

NOTE Workers' Compensation coverage may be jeopardized if an employee fails to promptly report an accident or injury to supervision. Except for emergencies, the City will only be financially responsible for treatment authorized by the City or the North Carolina Industrial Commission or by the referral of an authorized physician.

**Workers'
Compensation
Coverage and
Personal Vehicular
Accident**

If an employee sustains an injury as a result of a vehicular accident while operating a personal vehicle and performing City business, drug and alcohol testing will be required to establish benefits under the Workers' Compensation Act of North Carolina. This does not apply to the usual and customary practice of routine going and coming from work. These benefits will be forfeited in the event the employee is consciously involved in one or more of the following acts:

- Deviation from the assigned duty or destination.
- Operation of a vehicle while under the influence of alcohol/drugs.
- Willful involvement in horseplay.
- Willful participation in a fight.

Workers' Compensation benefits are compensable as the sole remedy for personal injury and do not cover any private property such as the motor vehicle.

**Workers'
Compensation
For "Call-Back"
Employees**

Worker's Compensation coverage generally does not apply "going to and coming from work" during usual and customary hours. However, should an employee be directly summoned by their department/division to respond to an emergency situation (i.e. fire, civil disturbance, water problem, road hazard or inclement weather) the "Special Errand" rule exception will be applied. Injuries considered to arise out of and during the course of employment may be deemed compensable.

Compensability will be determined on a case-by-case basis with careful consideration given to the greater weight of evidence establishing the proximate cause of the injury.

Prohibitive Acts

The following factors shall constitute a claim denial:

- Violation of State Motor Vehicle Law.
- Alcohol consumption.
- Illegal drug use.
- Negligent horseplay/fighting.
- Distinct departure from the most direct route to and from the worksite.

City policy regarding accidents involving contributing factors on behalf of the employee, require that drug and alcohol testing be administered following an injury.

The willful participation in such prohibitive acts or violations of policy can jeopardize claim benefits and result in disciplinary action up to and including dismissal.

Section 8 - Benefits

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**Provisions
Specified
Elsewhere**

The formal Benefit Plans outlined below have detailed provisions that are specified in Plan Descriptions and other documents provided to employees. Employees must refer to these or to the Human Resources Department in order to determine exactly how the Plans apply to particular situations. These Benefits are subject to modification or deletion without notice at any time.

Brief Outline

- **401(k)** – The City provides a 2% (employer) contribution for all regular employees to the defined contribution, non-discriminatory, State 401(k) Plan. Sworn law enforcement personnel receive the state mandated 5% employer contribution to the plan. The minimum employee contribution to the plan is \$10 biweekly. Maximums are set by federal law and indexed periodically.
- **457** – Employees may elect to participate in the defined contribution, discriminatory, 457 Deferred Compensation Plan. The minimum employee contribution to the plan is \$10 biweekly. Maximums are set by federal law and indexed periodically. An outside vendor selected through the post bid system administers the plan.
- **Accident and Sickness Insurance** - Employees may elect to purchase Accident and Sickness Insurance coverage for themselves at group insurance rates.
- **Dental Insurance** – As a part of the medical insurance package, the City provides individual employee dental insurance. Parent/child or family coverage is available as part of the medical package at an additional charge.
- **Flex – Medical Spending** – Employees may elect to set aside a portion of their pay, in pre-tax dollars, to cover medical and dental expenses not paid by insurance. This benefit may be used for family members claimed on the employee's annual income tax return. Maximums may be indexed periodically. Accounts are subject to IRS regulations regarding midyear changes.

BENEFIT PLANS Cont'd.**Brief Outline cont'd.**

- **Flex – Dependent Care** – Employees may annually elect to set aside a portion of their pay up to \$5,000 in pre-tax dollars for the care of a dependent child under the age of 13. The child must be claimed as a dependent on the employee's income tax return. If the employee is married, both the employee and spouse must be working. Accounts are subject to IRS

regulations regarding midyear changes and may be indexed periodically.

- **Health Insurance** – The City provides individual employee health insurance at no charge. Parent/child and family coverage are available at an additional charge. Premiums are paid with pre-tax dollars and subject to IRS regulations regarding midyear coverage changes. Dental insurance is a part of the medical insurance package.
- **Health Insurance for Retirees** – The City provides retiree health insurance coverage to employees age 55 or older, retiring with a minimum of 15 years of service to the City of Salisbury in accordance with the Local Government Employees Retirement System guidelines, equivalent to the individual coverage offered to active employees, to age 65 or eligibility for Medicare whichever occurs first. Employees meeting the minimum age requirements of the Local Government Employees Retirement System, retiring with a minimum of 15 years of service to the City of Salisbury and a total of 30 or more years of creditable service are also eligible for retiree health insurance coverage equivalent to the individual coverage offered to active employees, to age 65 or eligibility for Medicare, whichever occurs first. Parent/child and family coverage are available at an additional charge.
- **Long Term Disability Insurance** – Employees may elect to purchase Long Term Disability Insurance coverage for themselves at group insurance rates.

- **Leave Share** – Employees can donate annual leave to another employee who has experienced a prolonged medical condition according to guidelines set forth in the Family and Medical Leave Act (excluding elective surgery, Worker's Compensation and absence due to pregnancy). To apply for up to 480 hours of Shared Leave employees must have been absent from work a minimum of 160 consecutive work hours and have exhausted all paid leave. Shared Leave may not be used to extend an employee's time in leave status beyond one year from the last date worked. Once the application for Shared Leave has been received and approved by the Human Resources Department notice will be given to the general employee population of the need for donated leave. Employees are eligible to donate Annual Leave in increments of four hours. After donation, the donating employee must have a balance of 40 hours of Annual Leave and 40 hours of Sick Leave.

-
- **Life Insurance** – The City provides a term life insurance policy in the amount of the employee's annual salary rounded up to the nearest thousand, at no charge to the employee. The value of employer-provided life insurance exceeding a \$50,000 benefit will be subject to income tax withholding. Additional life insurance is available for the employee and family members through payroll deduction at the prevailing group rate. Life insurance that is paid for by the employee is not subject to income tax withholding. Should the employee elect additional coverage at the time it is initially offered, the policy is guarantee issue. Additional life insurance may be purchased at a later date; however, the employee and/or the included family members will be subject to evidence of insurability.
- **Retirement** – Retirement benefits are provided to regular City employees through the North Carolina Local Governmental Employees' Retirement System. This is a non-discriminatory, defined benefit plan.

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More detailed
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regarding
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obtained from
a supervisor,
the Human
Resources
Department or
the EAP
office.

**Unemployment
Insurance**

Employees who are separated from City service **may** be eligible for unemployment benefits, including compensation. The Employment Security Commission of North Carolina determines each individual's eligibility and benefits.

Uniforms Employees are required to wear uniforms for certain occupations and work duties. Uniforms are provided by the City and remain as City property. The color, design and use if determined and authorized jointly by the City Manager and Department Heads. All uniforms and equipment must be returned upon termination of employment. Failure to do so will result in a deduction equal to the value of unreturned City property from final compensation.

Parking Parking areas are designated for employee vehicles. Employees are to use these areas and are to drive and park in a manner that is safe and is considerate of the access and safety of others.

Travel Expenses The City pays the expense of travel for City employees and others officially designated to travel on business trips in behalf of the City or to participate in authorized training exercises or professional conferences as specified in Finance Department guidelines. Travel out of state must be authorized by the City Manager. See Travel Policy (Exhibit 4).

Mode of Travel The City Manager reserves the right to determine the mode of travel for which the City will pay expenses.

Mode of Travel	Reimbursement
City-owned vehicle	Cost of operation and maintenance
Personal vehicle	Established rate per mile based on the most reasonable route
Public Conveyance	Actual fare

Living Expenses

The City will pay reasonable living expenses for employees traveling on official business, based on the Travel Policy which may include:

- Meals
- Hotel, motel accommodations
- Tips
- Taxes
- Local transportation
- Baggage handling

**Account For
Travel And
Living Expenses**

According to Finance Department Guidelines, the following steps should be completed in accounting for travel and living expenses:

1. A Travel Authorization Form, describing the travel, its purpose, its duration, and an estimate of cost is completed and approved before the travel for trips that either:
 - Include an overnight stay

OR

 - Require a cash advance

OR

 - Are expected to cost \$100 or more.
2. A Travel Reimbursement Form, listing all travel and living expenses, is completed either before departure (to receive advance funds) or at the return (to receive reimbursement).
3. A detailed expense accounting and the return of any unused advance funds is required no later than ten working days following return to the City.

Section 9 – Records

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CONTENTS

General

The City will maintain personnel records as needed to administer authorized personnel policies, benefits and operations and as may be required by various laws and regulations. The following data and related supportive documents will be maintained for all current and former employees:

- Name
- Age
- Date(s) of initiating employment or appointment to City service
- Current position title
- Current salary and date of most recent change in salary
- Date(s) of most recent promotion, demotion, transfer, suspension, separation or other change in position classification
- Office to which the employee is currently assigned

Human Resources Department Files

The Human Resources Department is **solely** responsible for the retention of authorized personnel records as directed by the City Manager. Any access to, addition of, or destruction of personnel records will be administered by the Human Resources Department.

Departmental Files

Department heads may maintain copies of City personnel records and originals of Department personnel records as authorized either by the City Manager or the Human Resources Director.

**Supervisors'
Files**

Supervisors are not authorized to possess or maintain any official personnel records except for the following, regarding the employees reporting to them:

- Attendance Records.
- Copies of documents related to the most recent changes in employee salary, employee status of work position.
- Copies of documents related to job performance evaluations in the prior two years.
- Notes and correspondence by the supervisors regarding job performance.
- Data regarding occupational or professional certification.

Public Record

As required by G.S. 160A-168, the personnel data listed in the paragraph "General", in the "Contents" section above is a matter of public record and can be accessed by **any person** according to the following provisions:

- The City will determine in what form the information is maintained and disclosed.
- Disclosures will be recorded including the information disclosed and the name and address of the person to whom the disclosure was made.
- Record of the disclosure will be made available, upon request, to the employee to whom it pertains.
- Data may be photocopied and the cost assessed to the person examining the records.

**Confidential
Records**

All personnel records and data that are **not** considered a public record are confidential and may only be accessed as follows:

- Completion of Authorization to Access Personnel Record form by the employee.
- Employees (or their authorized agent) may examine all of their personnel records except letters of reference solicited prior to employment and any medical records that a prudent physician would not divulge to his patient.
- A licensed physician designated in writing by the employee to examine medical records.
- Supervisors and employees of the City, as may be needed for City business, and as authorized by the Human Resources Director.
- By order of a court of competent jurisdiction.
- A State or Federal government agency as is necessary and essential to a proper function of the agency except that no information may be divulged for the purpose of assisting the criminal prosecution or tax liability investigation of an employee (except for the employee's name, address and telephone number).
- Prospective employers, educational institutions, or other persons as specified in an employee's signed written release that explicitly identifies the information to be .

Penalties For Violating Confidentiality

GS 160A-168 provides that it is a misdemeanor punishable by a fine not to exceed \$500 for a person who either:

- Knowingly or willfully permits any person access to confidential information in an employee's personnel file except as expressly authorized by the City Manager or the Human Resources Director or as described above in **Confidential Records**.
- Knowingly or willfully examines, copies or removes any portion of a confidential personnel file except as expressly authorized by the City Manager or the Human Resources Director.

Penalties For Unauthorized Destruction Of Records

GS132-3 provides that any person who, without expressed authority, removes a public record from the office where it is usually kept or who alters, defaces, mutilates, or destroys it is guilty of a misdemeanor punishable by a fine not to exceed \$500.

Objections To Material In Files

Employees who object to material in their personnel records may place in the record a statement describing their objection and identifying any information they consider as inaccurate or misleading. Employees may, as well, make their objection known to supervision or the Human Resources Department as described under "Complaint Procedure" in this Manual.

Section 10 – Exhibits

Exhibit	Subject
1	New Employee Checklist
2	Hazard Alert
3	Drug Testing Policy
4	Travel Policy
5	Employee Assistance Program Policy and Procedures
6	Sexual Harassment Policy
7	Reduction in Force Policy

NEW EMPLOYEE CHECKLIST
(to be completed by department)

Employee Name _____

Hire Date _____

Department _____

Job Title _____

Check each item covered:

- ☐ Employee has completed enrollment paperwork with Human Resources Department
- ☐ Introduced to all co-workers
- ☐ Toured facility - offices, lounge/restroom areas
- ☐ Showed employee office or work station
- ☐ Brief department profile
- ☐ Review job description, what is expected, how evaluated, show sample performance appraisal form
- ☐ Discussed work hours, lunch and break periods
- ☐ Explained time card/clock
- ☐ Explained "call back" or other unusual work situation
- ☐ Explained how to report personal injuries and accidents
- ☐ Discussed dress code (if applicable: ☐ issued work clothes)
- ☐ Discussed needed safety equipment, how to obtain
- ☐ Explained security matters unique to department (counting money, protection of equipment, etc.)
- ☐ Explained, if allowed to use City vehicle, how to obtain, and City travel policy
- ☐ Explained how to obtain other supplies (pens, clips, etc.)
- ☐ Proper use of radio (if applicable); caution re: misuse
- ☐ Proper use of telephone system
- ☐ Department policy regarding calling in sick
- ☐ Assigned to _____ as a "buddy" who will answer questions, clarify procedures, help with work assignments, etc.

Employee Signature _____ Date _____

Supervisor Signature _____ Date _____

RETURN TO HUMAN RESOURCES DEPARTMENT FOR EMPLOYEE FILE

“HAZARD ALERT!”

Description of Hazard: _____

Location of Hazard: _____

Department Responsible for: _____

Date Submitted: _____

Date Checked/Corrected: _____

Return to Risk Manager

PUT SAFETY FIRST

City of Salisbury

Drug Testing Policy



July 1, 1998

OVERVIEW:

In order to provide the best level of service to our citizens, The City of Salisbury employees must refrain from the abuse of alcohol, controlled substances and prescription drugs. To this end, the City has established the following Drug Testing Policy. **The guidelines and procedures outlined below are applicable to all City employees.** Additionally, the Department of Transportation has promulgated alcohol and drug testing requirements for all employees who hold a Commercial Drivers License (CDL). This procedure will explain the process for assuring compliance with these regulations, and the procedures for maintaining a safe work environment free of alcohol and drugs.

COVERAGE:

This policy applies to all classified, temporary, and appointed employees of the City of Salisbury, as well as applicants for temporary or permanent employment.

STANDARD:

Alcohol - No employee shall report for duty or remain on duty while having an alcohol concentration of 0.04 or greater. No employee shall possess alcohol while on duty. No employee shall perform safety sensitive functions within four hours after using alcohol. No employee required to take a post accident test shall use alcohol for eight hours following the accident, or until he/she undergoes a post accident alcohol test, whichever occurs first.

Controlled Substances - No employee shall report for duty or remain on duty when the employee uses any controlled substance, except when the use is recommended on the advice of a physician who has advised that the substance does not adversely affect the employee's ability to safely operate a motor vehicle. No employee shall report for duty or remain on duty if the employee tests positive for controlled substances.

Prescribed Medications - All employees taking prescribed medications that could impair their ability to safely operate a vehicle or perform other critical activities such as maintenance must report this to their immediate supervisor.

DEFINITIONS:

Chain of Custody - Procedures designed to assure proper handling, labeling, identification, confidentiality and documentation of urine test samples.

Commercial Motor Vehicle - Self propelled or towed vehicle used on public highways in commerce to transport passengers or property when (a) vehicle has a gross vehicle weight rating or gross combined weight rating of 26,001 or more pounds or (b) the vehicle is used in the transportation of hazardous materials in quantities requiring placarding.

Drug - A controlled substance as defined in North Carolina General Statute 90-87(5) or a metabolite thereof. These substances include but are not limited to marijuana, cocaine, heroin, prescription drugs, alcohol, opiates, amphetamines and "designer drugs" or "look-alikes"

Employee Assistance Program (EAP) - Counseling services available to City of Salisbury employees to help them to deal with personal problems including substance abuse issues. Employees subject this policy with substance abuse problems are encouraged to seek assistance before potentially risking their jobs.

High Risk or Safety Sensitive (HRSS Category) Positions

- (1) Positions requiring the operation of vehicles, machinery, equipment or the handling of hazardous materials, the mishandling of which may place the employee, fellow employees or the general public at risk of serious injury or the nature of which would create a security risk in the workplace.
- (2) Positions where the incumbent's mental fitness is necessary to minimize or prevent the risks described in 1.
- (3) Positions where the incumbent must exercise judgment in the handling of public monies.
- (4) Positions which require a Commercial Drivers License as regulated by the Department of Transportation.

HRSS categories are further described in **Appendix A**.

HRSS Category Employee - Any employee permanently or temporarily assigned to an HRSS category position.

HRSS Category Applicants - All final applicants for HRSS category positions including current City employees not already employed in an HRSS category position.

Mandatory Testing - Testing conducted on applicants for HRSS positions as a condition of employment or upon employees in certain HRSS as a condition of continued employment in that job or another position (see "Testing of Employees").

Medical Review Officer (MRO) - A licensed physician responsible for receiving certain laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders, and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.

Pre-employment Test - A test given to an individual whom the City intends to hire in a HRSS or Safety sensitive position.

Post-Accident Test - A test given to a driver following an accident (a) in which someone was killed, (b) or the driver has been identified with a contributing factor to the collision and either someone received medical treatment away from the scene of the accident, or the vehicle was towed. This testing requirement is mandatory for all City employees who drive City vehicles, even if there is no reasonable suspicion that an employee was driving under the influence.

Random Testing - This is an unannounced drug test given to a predetermined percentage of employees. These employees are selected in a statistically sound random selection process from a pool of all eligible employees.

Reasonable Suspicion - The belief that an employee or applicant is using or has used drugs in violation of the

City's policy. This belief shall be based upon specific, contemporaneous, articulable observations concerning the appearance behavior, speech or body odors of the employee. The observations must be made by a trained supervisor. For example:

- (1) Direct observation of drug use and/or the physical symptoms or manifestations of being under the influence of a drug (slurred speech, alcohol smell on breath, incoherence, loss of coordination, etc.). These observable signs will be discussed during the training sessions.
- (2) Evidence that an employee may have tampered with a specimen or drug test
- (3) during his/her employment with the City.

Reasonable Suspicion Testing - Testing of an employee or applicant based on abnormal actions sufficient to cause reasonable suspicion that he/she has violated this policy (See Reasonable Suspicion). Supervisors must document reasonable suspicion within 24 hours using the form in **Appendix B**.

"Safety Sensitive Function" (as defined by the USDOT) - Relating to CDL drivers, any of those on duty functions as listed below:

- (1) All time at the City waiting to be dispatched, unless the driver has been released from duty.
- (2) All time inspecting equipment as required by the Federal Motor Carrier Safety Regulations or otherwise inspecting, servicing, or conditioning any Commercial motor vehicle at any time.
- (3) All time spent at the driving controls of a commercial motor vehicle.
- (4) All time, other than driving time, spent on or in a commercial motor vehicle.
- (4) All time loading or unloading a commercial motor vehicle, supervising, or
- (5) assisting in the unloading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded.
- (6) All time spent performing the driver requirements associated with an accident.
- (7) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Substance Abuse - Excessive use of lawfully obtained prescription drugs, over the counter drugs or alcohol when such use substantially impairs job performance, alters behavior and/or creates a risk to the health and/or safety of the employee or others. Use of illegal drugs or controlled prescription drugs obtained unlawfully or used without regard to the prescribing doctor's directions. A finding of alcohol abuse will be based on an employee testing at a blood level of .04 or more while at work.

Verified Controlled Substance Test Result - Test result confirmed by the laboratory and a Medical Review Officer (MRO).

RESPONSIBILITIES:

Employee Responsibilities - An employee must:

- (1) Not report to work or be subject to duty while his/her ability to perform job duties is impaired due to alcohol or drug use on or off duty.
- (2) Not possess or use, or have the odor of alcohol or drugs on his/her breath or person during working hours, on breaks, during meal periods while on City property or while operating any City equipment or vehicles.
- (3) Not directly or through a third party sell, distribute or provide drugs or alcohol to any person or to any other employee while either employee or both employees are on duty, "on-call", in uniform, on City property or operating City equipment.
- (4) Submit immediately to reasonable requests for testing when requested by a responsible supervisor or other City representative. Refusal shall constitute insubordination and will normally result in immediate dismissal.
- (5) Notify his/her supervisor, before beginning work when taking any medications or drugs, prescription or non-prescription, which may interfere with the safe and effective performance of duties or operation of City equipment.
- (6) Provide, within 24-hours of request, a current valid prescription for any drug or medication identified when a drug screen/analysis is positive. The prescription must be in the employee's name.
- (7) Notify the Salisbury Police Department, or police department in the local jurisdiction, of any accidents in a City vehicle and notify the supervisor of any type of accident.

Failure to comply with these responsibilities or any other reasonable request by a responsible supervisor or other City representative may result in immediate disciplinary action.

Management Responsibilities - Management shall:

- (1) Disseminate this policy and any subsequent revisions to all employees.
- (2) Support supervisory training.
- (3) Contract for specimen collection with a reliable medical provider.
- (4) Contract for specimen analysis with a laboratory with appropriate certification(s).
- (5) Provide employees with an Employee Assistance Program (EAP), with access to counseling for a limited amount of visits.
- (6) Comply with and enforce this policy uniformly throughout City government.

Supervisory Responsibilities - Supervisor shall:

- (1) Disseminate this policy and any subsequent revisions to all subordinates.
- (2) Attend and utilize all scheduled training.
- (3) Comply with this policy and enforce it consistently.
- (4) Prevent any employee reasonably believed to be under the influence of drugs or alcohol from working and arrange for testing if appropriate.
- (5) Upon an employee's refusal to submit to testing, remind the employee that testing is mandatory and that refusal to participate is insubordination and will normally result in dismissal.
- (6) Arrange for escort and transportation of employee to a testing facility. Instruct an employee believed to be under the influence of drugs or alcohol to wait for a reasonable time before attempting travel without assistance or arrange for transportation if necessary.
- (7) Inform the Salisbury Police Department if they have reasonable suspicion that an employee is in possession of illegal drugs.
- (8) Inform any employee experiencing unexplained changes in work performance or behavior of the availability of assistance through EAP.

Supervisory Restrictions - Supervisors shall **not**:

- (1) Forcibly detain any employee.

- (2) Search an employee's person, personal belongings, possessions or personal vehicles. A search may only be conducted in the event of life threatening conditions.

BASIS FOR TESTING:

Mandatory Testing and Random Testing of Employees - The City will use Mandatory Testing or Random Testing only to the extent that the City is required by law, or in order to comply with the recommendations or requirements of a professional "standards" group such as the North Carolina Criminal Justice Training and Standards Commission, or the National Fire Protection Association (NFPA).

To comply with U.S. Department of Transportation requirements and City policy, unannounced drug tests will be given to a predetermined percentage of employees which will include drivers with a **commercial drivers license**. These employees are selected in a statistically sound random selection process from a pool of all employees. Random alcohol tests shall be given annually to at least 10 percent of the average number of employees. Random alcohol tests must be given just before, during or just after performing safety sensitive functions, to serve as a deterrent to drinking on the job. Random controlled substances testing shall be administered to at least 50 percent of the average number of employee positions. In the event a employee who is selected for a random controlled substances test is on vacation or extended leave, the City can either select another driver for testing or keep the original selection confidential until the driver returns. Once an employee has been told that he/she has been selected for a random test, the employee must immediately report to the testing site. The employee can not continue to perform a safety sensitive function once notified. The Human Resources Department will inform supervisors and employees when to go for random testing.

Post-Accident - This test will be given to any City employee driving a City vehicle following an accident (a) in which someone was killed, (b) or the driver has been identified with a contributing factor to the collision, **and** either someone received medical treatment away from the scene of the accident, **or** the vehicle was towed. This testing requirement is mandatory for all City employees who drive City vehicles, even if there is no reasonable suspicion that an employee was driving under the influence. Supervisors are responsible to make all reasonable efforts to assure that the employee undergoes post-accident testing.

Reasonable Suspicion - The City will require testing of any employee or applicant based on abnormal actions sufficient to cause reasonable suspicion that he/she has violated this policy. Supervisors must document reasonable suspicion with 24 hours using the form in **Appendix B**. All reasonable suspicion testing must be cleared through the Human Resources Department whenever possible.

Return to Work - Before a City employee returns to duty, after engaging in prohibited conduct regarding substance abuse, the employee shall undergo a return to duty alcohol test indicating a result less than 0.02, or a substance abuse test with a negative result. The employee must be

evaluated by the Employee Assistance counselor and participate in any program prescribed by the EAP.

Follow-up Testing - Under Department of Transportation regulations and City Policy, if an employee is allowed to return to duty following referral, evaluation, and treatment, a minimum of 6 unannounced alcohol and/or drug tests will be required during the next 12 months of employment. Follow-up testing may continue for up to 60 months following return to duty at the City's discretion, based on recommendations from the EAP.

Applicants - Final candidates for all HRSS category positions must consent to and participate in substance testing prior to employment. Applicants for other positions will be required to participate in testing. Such tests may include urine and blood analysis. Confirmed positive drug test results that cannot be substantiated by medical evidence of legitimate prescribed drug use will be cause for disqualification. Applicants will be advised of any disqualification under this policy.

TRAINING:

Employee Training - Employees will receive training to explain the Substance Abuse Policy and Standard Procedure. The City will sponsor or conduct a drug education program which will be available to employees to emphasize the dangers of substance abuse. The session will present information concerning:

- (1) The effects and consequences of controlled substance use on personal health, safety and the work environment,
- (2) The behavioral changes that may indicate controlled substance use or abuse,
- (3) The procedures for specimen collection, and the strict limitations on the disclosure of information to the employer.
- (4) The person to contact with questions, the conduct that is prohibited, the consequences of refusing to test, testing positive or about 0.04.

Employee training will also emphasize the following adopted principles:

- (1) Possession, use, transfer, distribution or sale of alcohol, illegal drugs or controlled prescription drugs obtained unlawfully while in uniform, while working, on City property or while operating City equipment or vehicle is prohibited and is an offense for which dismissal of an employee is permitted.
- (2) Reporting for work or working while under the influence (whether or not legally intoxicated) of any drug that adversely affects the ability of an employee to operate equipment or vehicles or to conduct his/her duties is prohibited.

- (3) All areas and property (City vehicles, lockers, etc.) which the City controls or maintains joint control over with the employee are subject to search by management Human Resources if there is reasonable suspicion of substance abuse. Warrants or written consent will be obtained if it is necessary to search areas beyond the City's control (i.e. an employee's person) except for substance abuse testing as described in this policy. **Any other search without consent or warrant is only permitted in the event of life threatening conditions.**
- (4) Nothing in this policy shall be construed to guarantee a test or to excuse the behavior of an employee under the influence of drugs (or not) if that behavior would normally result in disciplinary action. In such cases, normal disciplinary steps up to and including dismissal, should be taken.
- (5) Whenever appropriate, employees who are substance abusers will be encouraged to seek rehabilitation.

Employees will sign the training statement shown in **Appendix C**.

Supervisory Training - The City will provide mandatory training to all supervisors to enable them to identify the symptoms of substance abuse. Supervisors will be trained in evaluation techniques so that they can assess each situation and decide whether reasonable suspicion exists to conduct drug or alcohol testing. Further, supervisors will learn the criteria, which triggers post accident testing. Supervisors will also be trained in the proper procedure for referring an employee for drug testing, including the required forms.

PROCEDURES FOR TESTING:

An alcohol or drug test may be needed for **Post-Accident** or **Reasonable Suspicion**. If not administered within two hours of the incident, the supervisor will prepare and maintain on file a record stating the reasons the test was not administered. Supervisors should continue to attempt to get the employee tested. If the alcohol test is not administered within eight hours, or the drug test is not performed within 32 hours, the City will not attempt to administer the test, and will state on the form why the test was not administered. (Refer to Appendix D for a sample of the form.)

A. Alcohol Testing Procedures

All alcohol testing will be performed immediately before, during or immediately after performing safety sensitive functions. If an employee refuses to undergo the alcohol test, the results will be handled as though a 0.04 or greater result had been obtained.

An employee must be escorted to the testing facility. The testing will be performed in an area which gives privacy to the employee.

For employees with a CDL, the technician will use a DOT certified testing device. The Breath Alcohol Technician will open a sealed mouthpiece and attach it to the equipment. The employee will blow forcefully into the device.

If adequate breath is provided, the device will immediately register and display a result. If the result is less than 0.02, no further testing is authorized, and the results will be sent in a confidential manner to the City and stored by the City in a confidential manner.

If a result is 0.02 or greater, a confirmation test must be performed to verify the initial test. This test will occur between 15 and 20 minutes after the first test. If the results differ, the confirmation test results will be considered the valid test.

Both the employee and the technician will sign and date the test results.

If the employee does not provide an adequate amount of breath, the City will direct the employee to seek a medical evaluation, at the employee's expense, as soon as possible from a licensed physician who is acceptable to the City. The physician will state in writing if there is a medical condition which prevents the employee from providing the necessary breath. If there was a medical reason, the City will reimburse the employee for his or her expenses. If the physician states there is no medical reason, the employee will be considered to have refused the test, appropriate measures will be taken by the City.

B. Substance Abuse Procedures

The City will contract with medical facilities who are certified by the Department of Health and Human Services, and who follow the procedures established by them. The City will contract with health care professionals for collecting specimens and conducting analysis. Chain of custody procedures for sample collection and testing will be utilized to ensure proper record keeping, handling, labeling and identification of samples. The City will only use a laboratory for analysis which has received appropriate certification(s). Appropriate measures shall be taken to ensure confidentiality and accuracy of results.

The employee shall be escorted to the designated location by a supervisor or other official. The supervisor will arrange for the employee to obtain assistance in leaving upon completing the collection process. In cases of **continued serious** impairment the supervisor should contact the Salisbury Police Department for assistance.

The employee may be asked to show a picture ID, and may be asked to leave excess clothing such as coats outside the collection area. The employee will have privacy while providing the specimen. If the collection site employee believes tampering of the specimen has occurred, a second specimen will be immediately collected perhaps under the direct observation of the collection site person of the same gender.

The specimen will be split into two bottles, so that the second specimen may be analyzed if a positive result is obtained from the first. The employee will have 72 hours from being notified that it is positive to request and pay for the analysis of the second specimen. The specimen will be sealed and labeled and the employee will sign the chain of custody form and initial the seal on the bottle. Refusal to cooperate with the requests of the collection site person will be handled the same as a verified positive test result.

For pre-employment testing, applicants will be scheduled for testing by the Human Resources Department.

The laboratory will report positive test results to a **Medical Review Officer (MRO)**. The MRO will contact the employee to give the employee the opportunity to discuss the test results. It is in the best interest of the employee, and is required by the City, to cooperate fully with the MRO by returning phone calls immediately and providing whatever information the MRO requests. If the MRO can not reach the employee, a designated City official will be called and told to contact the employee, who will be ordered to contact the MRO. The MRO may deem it necessary to discuss issues with the employee's private physician or pharmacist to determine if there is a basis for the positive test result.

Under the **split sample** collection procedures, the employee has 72 hours following notification of a positive result to request the secondary sample be analyzed at his or her expense. If a split sample was not taken, or was not adequate quality, the original test would be voided and the employee would not be subject to a retest.

After the MRO makes a determination, the City will receive a report in a confidential manner.

CONSEQUENCES OF POSITIVE TESTS:

No City employee with an alcohol test result of between 0.02 and 0.04 shall drive for the City for at least 24 hours following the administration of the test. If the confirmed alcohol breath test result is 0.02 or greater but less than 0.04 the employee will be subject to disciplinary action up to dismissal.

Any City employee with a verified controlled substances test result and/or alcohol breath test with a confirmed result of 0.04 or greater will be directed to seek assistance from the Employee Assistance Program (EAP), and will be subject to disciplinary action up to and including termination. If a City employee receives a citation for driving under the influence either on or off duty, that employee will be not allowed to drive a City vehicle until the City receives the test results, and then if positive, for one year.

If an employee driving a City vehicle was involved in a fatal accident, and tests positive in a controlled substances or alcohol test, then the driver will be terminated.

Refusal of Testing - An employee who refuses testing must be advised of the consequences.

If the employee was involved in a fatal accident and refuses to take the test, then he or she will be terminated. In cases not involving a fatal accident, if the employee refuses to cooperate, then he or she will be terminated. In **post accident** situations, for an alcohol test, after 2 hours the supervisor will document the reasons the test was not administered promptly. If the employee has not received an alcohol test within 8 hours, the City will stop trying to get the test, and the supervisor will document the reasons. In the case of a drug test, if the employee has not submitted to the test within 32 hours, the City will stop trying, and will document the reason. Refer to **Appendix D** for a sample of the form to be used to document refusal of testing.

If the employee is sufficiently impaired that they may not understand the consequences, they should be placed on sick leave (or LWOP if sick leave is not available). The employee is required to submit to an alcohol test immediately, but no later than 8 hours in a post-accident situation. (In the event of a fatality, or if cited for a moving violation and the vehicle is towed or someone seeks medical attention away from the scene of the accident.)

Challenges to Results - An applicant or employee has 72 hours from being notified of a positive result to request that the split specimen be tested, at the employee's expense.

Temporary employees who test positive may be released without recourse or appeal.

Applicants who refuse testing will no longer be considered for an HRSS category position.

EMPLOYEE ASSISTANCE PROGRAM

In all cases with a verified positive controlled substance test result and/or a confirmed alcohol breath test result, the employee will be referred to the Employee Assistance Program (EAP) for evaluation, referral and treatment. The referral to the EAP applies even if the employee is terminated. If the employee refuses to participate in the EAP process, he/she will be terminated.

Rehabilitation, Discipline and Reinstatement of Employees - Following a positive confirmation test, most classified and appointed employees shall be referred to the City's EAP provider and dismissal will be immediate. If an employee is referred to the EAP provider due to lack of performance, the employee must receive an appropriate disciplinary warning in conjunction with the EAP referral. If it is determined that the employee requires rehabilitation, the EAP will assist in selecting a program of rehabilitation for the employee. Failure of the employee to enter or to continue participation in an approved program will result in dismissal. The employee may use accumulated sick leave while participating or will be granted leave without pay (LWOP). In either case, sick leave and LWOP separately or in combination may not exceed 90 days without an extension approved by the City Manager or his designate.

Participation in a treatment program does not protect an employee from any further discipline arising out of his personal conduct while on leave. While the initial consultations with EAP are at no cost, the expense of any treatment program is the employee's responsibility.

Reinstatement shall be contingent upon certification by the treatment provider that the employee has successfully completed the initial structured treatment program. Reinstatement will be conditional upon consent for substance re-testing at anytime for a period of five years. Positive results on a retest will be grounds for immediate dismissal with no opportunity for reemployment.

Confidentiality - The reports or test results may be disclosed to management on a strictly need-to know basis and to the tested employee upon request. Disclosures, without employee consent, may also occur when:

- (1) The information is compelled by law or by judicial or administrative process.
- (2) The information has been placed at issue in a formal dispute between the employer and employee.
- (3) The information is to be used in administering an employee benefit plan.
- (4) The information is needed by Human Resources for the diagnosis or medical treatment of the patient who is unable to authorize disclosure.

The Human Resources Department shall keep confidential records of test results, EAP referrals and employment status. Access to these records by Human Resources employees shall be controlled and limited to employees designated by the Human Resources Director.

Information will be released only as required by law or as expressly authorized.

- An employee shall have access to any of his/her alcohol and drug records upon written request.
- The City must allow any DOT authorized agency access to facilities and records in connection with the City's substance abuse program.
- When requested, the City will disclose post-accident testing information to the National Transportation Safety Board as part of an accident investigation.
- The City will make records available to a subsequent employer upon receipt of a written request from the employee.
- The City may disclose information to the employee or to the decision-maker in a lawsuit, grievance or other proceedings initiated by or on behalf of the individual. This may include workers compensation, unemployment compensation, or other proceeding relating to a benefit sought by the employee.

Off-The-Job Behavior - An employee charged with a drug or alcohol related offense off the job may be placed on non-disciplinary suspension in accordance with existing policy and practice. An employee convicted of a drug or alcohol related offense may be disciplined up to and including termination.

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Other Considerations - This policy does not create any legal rights to City employment which do not otherwise exist. Should any provision of this policy or procedure be ruled invalid or unconstitutional, that ruling shall not affect or impair any of the remaining provisions.

Special Consideration - Police - Effective July 1, 1990, all applicants for employment as criminal justice officers, as well as veteran officers applying for lateral transfer to a new agency, were subject to drug testing rules adopted by the Criminal Justice Education and Training Standards Commission. Should the City's Substance Abuse Policy or this Standard Procedure conflict with the Commission's rules now or in the future, then the Commission's rules shall take precedence.

Documentation - In addition to those forms contained in the appendices of this document, the City may develop and implement any other forms necessary to the end that the provisions of this procedure are met.

HIGH RISK or SAFETY SENSITIVE (HRSS) POSITIONS CATEGORIES AND CRITERIA

The following summary is provided as an example of the job related criteria which justify the inclusion of certain positions into HRSS categories. While the summary is descriptive of some of the job related concerns, it is not intended to be comprehensive and all inclusive.

Administrative Positions - Incumbents in these positions exercise the highest level of leadership and responsibility in the organization. Their decisions and actions have the greatest impact on the safe accomplishment of required municipal services for the City.

Incumbents are responsible for the safety and well being of subordinate employees and their judgment and decisions greatly impact upon the health, safety and welfare of both the general public and City employees.

Furthermore, they are often required to drive vehicles in the conduct of City business.

Public Safety and Public Safety Support Positions - Incumbents in all fire, police, and communications positions are responsible for complying with and enforcing the law. They are entrusted with performing critical emergency and safety services and with the lives and safety of the public. Incumbents in safety support positions respond to emergency assistance calls, dispatch vehicles, have access to controlled police related information such as criminal records and have access to confiscated evidence such as illegal substances and to public safety communications. Incumbents must avoid conflicts of interest and compromises of security, must inspire credibility as an enforcer of laws and as witness in court.

Positions with Access to Public Payrolls or Involved in the Handling of Public Funds - Incumbents of certain clerical and professional positions receiving disbursing and/or investing public funds (e.g.: payroll processing and cashiering). Incumbents must work without compromising financial security or the entrustment of public funds and avoid conflicts of interests.

Code Inspection and Enforcement Position - Incumbents who inspect buildings, facilities, utilities and structures for compliance with codes and standards to ensure that structures are safe. Incumbents must work without impaired judgment and avoid critical errors in inspecting work which affects the health and safety of the public.

Recreation Positions - Incumbents in certain recreation positions who are responsible for working with the handicapped, elderly, children and who exercise influence over minors by virtue of their position of authority with the City.

Incumbents must inspire credibility as service providers or caretakers in the exercise of authority over the handicapped, elderly, children and minors and must work without drug or alcohol impairment in coordinating and performing recreational programs activities, such as watching children operate playground equipment and must provide positive role models for children.

Engineering Positions - All professional and certain sub-professional engineering incumbents who are responsible for preparing or assisting in the preparation of plans and specifications, surveys and other documents and inspecting work on projects relating to physical structures and public utility operations where the health and safety of the public and other City employees are involved. Incumbents must work without impaired judgment or critical errors where consequences pose increased health and/or safety risks to the public.

Equipment and Motor Vehicle Operator Positions - Incumbents who operate mechanical equipment, drive sanitation trucks, dump trucks, fire apparatus, automobiles, vans, etc., in the course of their employment with the City. The Department of Transportation has strict guidelines for those employees who have a Commercial Drivers License.

Incumbents must work without drug or alcohol impairment, where faulty operational judgment may endanger the health and safety of the employee, co-workers or the public, or may result in material loss of equipment and increased risk of financial liability to the City.

Hazardous and Safety Risk Positions - Incumbents who work with or around potentially hazardous and/or dangerous materials, chemicals, tools, equipment, machinery, facilities and/or work areas (work at heights, in confined spaces, etc.).

Incumbents must work without impaired judgment or impaired physical ability resulting from drug or alcohol consumption or avoid injury to themselves, co-workers and/or the public and where impaired judgment may result in material loss of equipment or property.

Facility Maintenance Positions - Incumbents must assure that facilities used by employees or the public are operating properly or are properly secured. Incumbents must work without impaired judgment to assure safety of users or material losses.

OBSERVED BEHAVIOR-REASONABLE SUSPICION**Employee: Name:** _____**Identification Number:** _____ **Department:** _____**Observation: Date:** _____ **Time: (from** _____ **am/pm to** _____ **am/pm)****Location** _____**1. PRESENCE OF DRUGS OR DRUG PARAPHERNALIA** (*Specify*): _____

2. APPEARANCE: ☐ Normal ☐ Flushed ☐ Puncture Marks
☐ Disheveled ☐ Bloodshot Eyes ☐ Tremors
☐ Profuse Sweating ☐ Runny Nose/Sores ☐ Dry Mouth Symptoms
☐ Pupils Dilated/Constricted
☐ Inappropriate Wearing of Sunglasses
☐ Other _____

3. BEHAVIOR:

Speech: ☐ Normal ☐ Incoherent ☐ Slurred ☐ Silent
☐ Confused ☐ Slowed ☐ Whispering
☐ Other _____

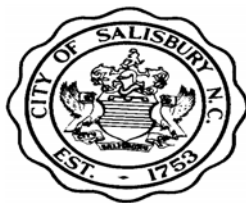
Awareness: ☐ Normal ☐ Confused ☐ Mood Swings ☐ Euphoria
☐ Lethargic ☐ Paranoid ☐ Disoriented
☐ Lack of Coordination
☐ Other _____

4. MOTOR SKILLS:

Balance: ☐ Normal ☐ Swaying ☐ Falling ☐ Staggering
☐ Other _____

Walking & Turning: ☐ Normal ☐ Swaying ☐ Arms Raised for Balance
☐ Stumbling ☐ Falling ☐ Reaching for Support
☐ Other _____

OTHER OBSERVED ACTIONS OR BEHAVIOR (*Specify*): _____



I certify that I have attended a video training session on the City of Salisbury's Substance Abuse Policy and Procedure and I understand the material. I acknowledge that

- *It is a violation of City policy to distribute or use alcohol or illegal drugs on the job;*
- *I must not possess or use, or have the odor of alcohol or drugs on my breath or person during working hours, on breaks, during meals, while on City property or while operating City equipment or vehicles;*
- *I must not report to work or be subject to duty while my ability to perform job duties is impaired due to alcohol or drug use on or off duty;*
- *The penalty for refusal to take an alcohol or drug test when reasonably requested to do so by a supervisor normally is termination;*
- *The penalty for testing positive for use of an illegal substance will be termination;*
- *The penalty for tampering with a drug test or helping another employee tamper with a drug test is termination;*
- *I must notify my supervisor before beginning work if I am taking any prescription or over-the-counter medications which may interfere with the safe and effective performance of duties or operation of City equipment;*
- *The City of Salisbury has given me the name of a specific agency that can help me with substance abuse (or other) problems, and I have been given the phone numbers of the agency. I understand that, once I have been asked to take a drug or alcohol test, I will not be allowed to avoid it by requesting referral to this agency.*

Signed _____
 Name (please print) _____
 Department _____
 SSN _____ Date _____

FAILURE TO CONDUCT TESTING

POST-ACCIDENT or REASONABLE SUSPICION

Employee not Tested Within Required Time Frame

Name of Employee:	Department:
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Date of Incident:	Time of Incident:	Time employee told to get tested:
-------------------	-------------------	-----------------------------------

Type of Test Sought: (please circle yes or no)			
Alcohol	Yes	No	Time 2 hours from incident: _____
			Time 8 hours from incident: _____
Drugs:	Yes	No	Time 32 hours from incident: _____
(See Note Below)			

Why was employee told to get tested? (please circle yes or no)			
a.) Has there been a fatality?	YES	NO	
b.) Did the driver receive a citation?	YES	NO	
<u>AND</u> did someone involved in the accident receive medical treatment away from the scene? YES NO			
<u>OR</u> was a vehicle towed from the scene of the accident? YES NO			
c.) Is there Reasonable Suspicion of drug or alcohol impairment? YES NO			

Why employee did not submit to test within the designated time:

SUPERVISOR'S SIGNATURE/DATE	DEPT. DIRECTOR REVIEW/DATE
-----------------------------	----------------------------

Note: If employee has not been tested for alcohol within 8 hours of the incident, the employee should not be tested.
 If employee has not been tested for drugs within 32 hours of the incident, the employee should not be tested.
 Document reasons on this form and send to the Human Resources Department to be maintained in employee's official file.

EMPLOYEE ASSISTANCE PROGRAM POLICY AND PROCEDURES

City of Salisbury



EMPLOYEE ASSISTANCE PROGRAM
POLICY AND PROCEDURES
SALISBURY, NORTH CAROLINA

I. Policy

The City of Salisbury is committed to assisting employees in maintaining satisfactory job performance through the provision of the Employee Assistance Program as a benefit to employees and their families. The City of Salisbury believes it is in the best interest of the employee, the employee's family, and the City to provide an employee service which deals with persistent problems.

For the Employee Assistance Program to be successful, the following policy must be carried out:

- A. Behavioral problems that affect work performance and attendance are legitimate concerns of management. Management recognizes that these behavioral problems can be successfully treated provided they are identified early and referral is made to the appropriate resource.
- B. Supervisors must remember that an employee's personal problems are a matter of supervisory concern only to the extent that they affect job performance. Job performance deficiencies caused by personal problems need to be differentiated from other reasons for poor performance including unclear job expectations, skill deficiencies, inadequate supervision and other workplace obstacles. Supervisors must establish clear job performance expectations for employees.
- C. Behavioral problems requiring assistance include alcohol abuse, drug abuse, marital or family distress, mental illness, financial or legal problems.
- D. The purpose of the Employee Assistance Program is to assure employees that if such behavioral problems are the cause of unsatisfactory job performance that they will receive an offer of assistance to help resolve such problems in an effective and confidential manner.
- E. No employee will have his or her job security or promotional opportunities jeopardized for participating in the program.
- F. Strict confidentiality of records is essential and will be maintained.
- G. Employees are encouraged to use the Employee Assistance Program voluntarily when he or she needs professional help or guidance.
- H. If an employee has not sought help independently for a behavioral problem that affects job performance, it will be the responsibility of the supervisor to follow a procedure that will ensure that the employee will have the benefit of diagnosis and treatment.
- I. As for any illness, accrued sick leave will be granted for the purpose of treatment or rehabilitation in compliance with the Personnel Policy. Employees may be excused from work to receive EAP services at the supervisor's discretion if arrangements outside of work hours or leave time are not available.
- J. The first six visits are provided at no cost to the employee. Any expense incurred beyond those six visits will be billed with the employee's insurance. Expenses not covered by the employee's insurance will be the responsibility of the employee.
- K. After a reasonable opportunity to resolve the problem affecting job performance, discipline up to and including dismissal may occur unless there is improvement in job performance. The City recognizes due to the seriousness of certain issues the City may not be able to delay disciplinary action until recovery can be achieved.
- L. Use of the Employee Assistance Program does not grant any privileges or exempt an employee

from the job performance standards or procedures stated in the Personnel Policy of the City of Salisbury.

II. Procedures

A. Self-Referral

Any employee of the City of Salisbury may use the Employee Assistance Program on a self-referral basis for themselves or their immediate family by calling the Employee Assistance Program directly at _____.

B. Supervisor Recommendation

When an employee's job performance begins to decline, the employee's supervisor will:

1. By continued observation, be alert to changes in the work or behavior patterns of the employee. Under no circumstances should the supervisor attempt to counsel the employee about personal problems.
2. Document particular instances in which an employee's job performance or behavior fails to meet minimum standards including excessive or unexplained absences or in which the employee's individual work patterns seem to be changing or deteriorating.
3. Disciplinary action may be in the form of oral warning, written reprimand, disciplinary probation, disciplinary demotion, suspension or dismissal. Disciplinary action does not necessarily begin with an oral warning since more serious problems may warrant a stronger disciplinary action. Supervisors should consult with the Human Resources Director or designee about applying this section of the policy. Steps regarding how various actions are to be handled are in the policy and should be followed carefully.

All forms of disciplinary action require a conference with the employee which includes the following steps:

- a. Review performance and/or conduct deficiencies with the employee.
- b. Explain why the performance or conduct is unacceptable.
- c. Allow the employee to respond.
- d. Discuss required standards of performance or conduct.
- e. Discuss corrective action and a review date if appropriate.
- f. Suggest to the employee the Employee Assistance Program services are available to him/her if a personal problem is contributing to poor job performance. **At this point the referral is voluntary unless the next step is dismissal. The supervisory should not try to counsel the employee. If the employee elects to be seen at EAP, the supervisor may not ask the employee for any information about EAP visits or if the employee is even going to EAP.** Refer to Section C., Mandatory Employee Assistance Referral.
- g. Refer to the Personnel Policy, Section 6, for the appropriate method of documentation for the conference.

C. Mandatory Employee Assistance Referral

If the employee's performance continues to deteriorate following initial disciplinary action, subsequent conferences and disciplinary actions are warranted. If dismissal is a consideration, an employee may be required to use the services of the Employee Assistance Program. A supervisor must use the following steps:

1. Consult with the Human Resources Director or designee regarding the appropriateness of the disciplinary action and the use of a mandatory EAP referral.
2. Follow the steps outlined in Section 6, Disciplinary Action for conducting the conference with the employee and for appropriate documentation of the conference. Remember to schedule a date to review the employee's performance.
3. As a follow-up to the initial conference, explain in person and in writing to the employee, a mandatory referral means he is required to receive services at EAP and failure to receive services may result in dismissal. The employee must also understand receiving services from EAP does not exempt the employee from dismissal if job performance fails to improve. The employee must be told he/she will be asked to sign a release in order for the supervisor to be informed by EAP that he/she is receiving services. However, it does not mean that the supervisor has access to information regarding the content of counseling services.
4. If the Human Resources Director or designee concur with the use of a mandatory referral, complete the attached referral form and fax it to the Employee Assistance Program.
5. Contact the Employee Assistance Program and schedule the first visit for the employee.
6. Continue to monitor the employee's job performance and attendance at EAP and document this information thoroughly.
7. The Human Resources Director or designee should be kept informed of improvement or deterioration in job performance.

Supervisors must use firm and consistent administration of these procedures and should not be misguided due to feelings of sympathy or other reasons.

City of Salisbury

Sexual Harassment Policy



Amended May, 2003
Second Amendment May, 2005

City of Salisbury
Sexual Harassment Policy

Sexual harassment by or of employees of the City of Salisbury in any form is strictly prohibited. Harassment is prohibited, whether exhibited to other employees and/or non-employees.

Managers, Supervisors and lead personnel are prohibited from threatening or insinuating that whether an employee submits to or rejects sexual advances will in any way influence or affect the employee's employment, pay, advancement, duties or any other condition of employment.

All employees are prohibited from any conduct that is sexually harassing or which may create an offensive work environment. This includes, but is not limited to, repeated, offensive or unwelcome flirtations, advances, propositions; commentaries about an individual's body; sexually degrading words used to describe an individual; or the display of sexually suggestive objects or pictures.

Other Harassment – Employee conduct that disparages groups such as remarks or jokes that belittle, ridicule or insult a particular race, religion, **gender** or group are considered to be harassment and are strictly prohibited.

Complaints – Employees who have complaints of violations of the EEO or Sexual Harassment policies should report them to their immediate supervisors or to the Personnel Department. Complaints will be received, investigated, and resolved promptly. Complaints will be handled confidentially and without intimidation or retaliation against employees exercising their right to complain.

Disciplinary Action – Harassment or unlawful discrimination by any employee with regard to other employees and/or non-employees will not be tolerated. In fact, it will be dealt with firmly and:

May result in disciplinary action up to and including dismissal (See Disciplinary Schedule for Acts of Harassment)

May lead to personal legal and financial liability

Managers' and Supervisors' Responsibilities – Managers and Supervisors are responsible for affording equal opportunity to all individuals who report to them and for conducting themselves in accordance with the principles of equal opportunity. The effectiveness of supervisors in promoting equal opportunity is considered in performance evaluations. Supervisory staff who harass employees are considered to be acting of their own accord and not on behalf of the City.

Disciplinary Schedule for Acts of Harassment

1. Class A:

Conduct that is threatening to terms and conditions of employment and whereby favors are required in exchange for rewards on the job or to avoid unfavorable job actions.

Physically forcing sexual activity on someone, ranging from assault to rape

Physical violence intended to harass, intimidate or discourage employees based on their race, sex, religion, national origin, color, age, or disability.

Discipline for First Occurrence:

Termination of employment

2. CLASS B:

Conduct which is threatening to terms and conditions of employment, or which creates an intimidating/hostile work environment and has an adverse impact on work performance.

Discipline for First Occurrence:

Written reprimand,

5 days suspension without pay,

180 days probation and

Warning that a second occurrence will result in termination of employment.

Discipline for Second Occurrence:

Termination of employment

Examples: Unwelcome physical advances or unwelcome physical contact; repeated sexually explicit language; pressuring an employee for a date; rubbing oneself sexually around or against another person; segregating facilities based on race, sex, religion, national origin, color, age or disability; retaliatory acts based on an employee having filed a charge of discrimination.

3. CLASS C:

Conduct which is not threatening to terms and conditions of employment, nor does it significantly impact employee work performance.

Discipline for First Occurrence:

Counseling, Written Reprimand

Discipline for Second Occurrence:

1 day suspension without pay,

90 day probation, and

Warning of further progressive discipline, including up to termination of employment, for future incidents

Examples: Wolf whistles, etc.

Frivolous Complaints:

If an employee lodges untrue or frivolous complaints of Sexual Harassment against another employee, they are subject to Disciplinary actions up to and including dismissal

City of Salisbury

Reduction in Force Policy



May, 2002

**CITY OF SALISBURY
REDUCTION IN FORCE PLAN**

OBJECTIVE:

To establish guidelines for reductions in force.

PLAN:

1. The City recognizes that there are situations that occur which require positions to be redefined or reduced in number. These situations may include shortage of funds or work, program shifts, reorganization or consolidation, or other changes as determined by management.
2. In the event that a reduction in force becomes necessary, several factors will be used in determining which employees will be retained. Among the factors are:
 - a. **Essentiality of Position** - Points will be determined for the level of essentiality for positions which are essential to the operational needs of the City.
 - b. **The Employees' Performance** - Points will be determined for overall performance appraisal ratings over the last two years. No points will be provided for ratings which are below the "expected" performance level.
 - c. **Length of Continuous Service** - Points will be determined based on time-in-classification within the department, total service within current department and/or total service with the City.

A total point value will be assigned to each position which consists of the following:

Essentiality Points awarded based on level of essentiality determination as follows:

<u>Points</u>	<u>Level of Essentiality</u>
6	High
4	Medium
2	Low

Performance points awarded for overall ratings of the last two years as follows:

<u>Points</u>	<u>Overall Rating</u>
3	Excellent (E)
2	Very Good (VG)
1	Good (G)

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Revised 05/2002

Length of service points awarded based on employee's hire date with the City as follows:

<u>Points</u>	<u>Length of Service</u>
1/2	One year

(Not to exceed a total of 5) (Up to 10 years)

3. This policy is not to be used as a means to eliminate employees with unsatisfactory performance; these should be dealt with in accordance with the City's appraisal and disciplinary procedures.

PROCEDURE:

1. The Department Head will develop and submit a plan to the City Manager which list positions of the department and totals of corresponding points for factors listed in #2 of Policy.
2. Based on the plan identified in item #1 above, the position with the least number of total points will be designated a "targeted position". Employees occupying targeted positions will be subject to reassignment, transfer, demotion, lay-off/outplacement.
3. Efforts will be made to place employees at their classification. If this is not possible, employees who are placed into jobs in a classification lower than their current classification will have their pay red circled.
4. If an employee is offered a comparable position and declines the offer, the employee forfeits all special consideration for future placement opportunities.
5. Employees scheduled to be laid off shall be notified in writing by the City Manager through their department heads; provided information on the impact of the reduction in force on them, and the basis for the action; and provided details on provisions of the reduction in force policy.
6. Once employees scheduled to be laid off have been so notified, the Human Resources Department will meet with them and assure that they are made aware of their eligibility for the following, should they be laid off:
 - a. Insurance coverage under COBRA

- b. Pay-out for accrued vacation leave
- c. Withdrawal of contributions to the Retirement System

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Revised 05/2002

- d. Conversion of life insurance
- e. Pay-out for compensatory time for non-exempt employees
- f. Out-placement Program information
- g. A severance allowance based on the following will be provided to employees terminated as a result of a Council approved reduction in force.
 - 1. Employees whose employment is being terminated who (1) are not eligible for or who have not elected the retirement option, (2) who have not refused alternate full time employment with the City, and (3) who have not refused reasonable employment offers with a contractor (in the event of a negotiated privatization), will be eligible for a one time, lump sum seniority based severance payment according to the following schedule:

<i>Length of City Service</i>	<i>Severance Amount (on Base Salary)</i>
< 1 year	2 weeks
1.00 - 4.99 years	4 weeks
5.00 - 9.99 years	6 weeks
10.00 - 14.99 years	8 weeks
15.00 - 19.99 years	10 weeks
20.00 years or more	12 weeks

- 2. Employees who choose to retire and do not wish to be considered for rehire will be afforded the applicable City retiree benefits. Employees who are within 2 years of eligibility of full retirement benefits and have prior years of service with the military, state of North Carolina or a local governmental unit will receive City assistance in the purchase of not more than two (2) years of service time.

- 8. The Human Resources Department will establish a roster for rehiring and promoting into vacancies in positions from which the employee was terminated. The names of the employees terminated will be placed on the eligible list, (highest eligibility for rehire standing first).

- a. Terminated employees will be placed on a mailing list from the Human Resources Department for job notices and for other job opportunities that the Human Resources Department is aware.

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Revised 05/2002

- b. Within one year from the date of termination, an employee may be reinstated in the same classification without requiring a competitive process.
- c. Salary will be the same received at the time of termination or at least the minimum of the pay

range.

- d. New time in service will be added to the employee's total time in service at the time of termination.
- e. Sick leave will be restored beginning with re-employment.
- f. Beginning with re-employment, time in service will be added to the employee's old record for the purpose of accruing vacation and sick leave, determining service awards.
- g. If retirement contributions were not withdrawn, creditable service will be added to the balance at the time of termination. If contributions were withdrawn, participation begins anew.
- h. Employees not rehired within one year from the date of termination must compete for positions and will be considered as new employees.